

EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 Case No. 1:18-CF-05025-JMF

4 -----x
NEW YORK IMMIGRATION COALITION, ET AL.,

5
6 Plaintiffs,

7
8 - against -
9

10 UNITED STATES DEPARTMENT OF COMMERCE,
ET AL.,

11 Defendants.

-----x

12 August 24, 2018
13 9:07 a.m.

14
15 Videotaped Deposition of WENDY
16 TERAMOTO, taken by Plaintiffs, pursuant to
17 Notice, held at the offices of Arnold &
18 Porter Kaye Scholer LLP, 250 West 55th
19 Street, New York, New York, before Todd
20 DeSimone, a Registered Professional
21 Reporter and Notary Public of the State of
22 New York.

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I N D E X

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6 REQUESTS

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(NONE)

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1 THE VIDEOGRAPHER: Good morning.
2 We are going on the record at 9:07 a.m. on
3 August 24th, 2018.

4 Please note that the
5 microphones are sensitive and may pick up
6 whispering, private conversations and
7 cellular interference. Please turn off all
8 cell phones or place them away from the
9 microphones as they can interfere with the
10 deposition audio. Audio and video
11 recording will continue to take place
12 unless all parties agree to go off the
13 record.

14 This is media unit number one
15 of the video-recorded deposition of Wendy
16 Teramoto taken by counsel for plaintiffs in
17 the matter of New York Immigration
18 Coalition, et al., versus United States
19 Department of Commerce, et al., filed in
20 the United States District Court, Southern
21 District of New York, case number
22 1:18-CF-05025-JMF. This deposition is
23 being held at the offices of Arnold &
24 Porter located at 250 West 55th Street, New
25 York, New York.

1 My name is Carlos King from the
2 firm of Veritext and I am the videographer.
3 The court reporter is Todd DeSimone also
4 from Veritext. I'm not authorized to
5 administer an oath, I'm not related to any
6 party in this action, nor am I financially
7 interested in the outcome.

8 All appearances will be noted
9 on the steno record. Will the court
10 reporter please swear in the witness.

11 * * *

12 W E N D Y T E R A M O T O ,
13 called as a witness, having been first duly
14 sworn, was examined and testified
15 as follows:

16 EXAMINATION BY MR. GERSCH:

17 Q. Please state your name and work
18 address.

19 A. My name is Wendy Teramoto and I
20 work at the Department of Commerce in
21 Washington.

22 Q. Do you do your work in
23 Washington D.C.?

24 A. Yes, sir.

25 Q. And how are you employed at the

1 Department of Commerce? What is your
2 position or title?

3 A. I am the chief of staff and
4 senior advisor.

5 Q. And for how long have you held
6 that position?

7 A. Just about a year.

8 Q. Let's go back a little. I want
9 to get some background first and then we
10 will move forward.

11 I understand that you graduated
12 from the University of Colorado at Boulder;
13 is that right?

14 A. Yes, sir.

15 Q. In 1996?

16 A. Yes, sir.

17 Q. With a degree in accounting?

18 A. Yes, sir.

19 Q. And graduated with honors?

20 A. Yes, sir.

21 Q. You are a founding partner of
22 WL Ross & Company in 2000?

23 A. I believe it was 2000, yes,
24 sir.

25 Q. What did you do between

1 graduation from the University of Colorado
2 and starting WL Ross?

3 A. Sure. So after I graduated I
4 worked for one year at Price Waterhouse in
5 New York City and then after Price
6 Waterhouse I started working at a firm
7 called Rothschild.

8 Q. And what did you do at
9 Rothschild?

10 A. At Rothschild I started as an
11 associate, and Rothschild is a huge
12 investment banking firm and so I worked on
13 some of the M&A transactions as well as the
14 Rothschild Recovery Fund.

15 Q. When did you first meet
16 Secretary Ross?

17 A. It would have been when I
18 started working at Rothschild.

19 Q. Was he at Rothschild?

20 A. Yes, sir.

21 Q. And did you work on matters
22 with him?

23 A. Yes, sir.

24 Q. What kind of matters?

25 A. The Rothschild Recovery Fund.

1 Q. So would this have started in
2 about 1997-1998?

3 A. 1997.

4 Q. How did you become a founding
5 partner of WL Ross?

6 MS. WELLS: I object to the
7 form.

8 A. I don't understand the
9 question.

10 Q. Well, let me ask this: You are
11 an equity partner in -- you were an equity
12 partner in WL Ross?

13 MS. WELLS: I object to the
14 form.

15 A. Well, in WL Ross, the holding
16 company?

17 Q. Let's start with that, sure.

18 A. There was only two owners,
19 owners, that I believe of the, as you call,
20 equity in WL Ross & Co.

21 Q. And who were they?

22 A. That would have been Wilbur
23 Ross and his daughter.

24 Q. The WL Ross that you were a
25 founding partner of, is that the holding

1 company or a different WL Ross?

2 A. There is the WL Ross & Co.,
3 which I was a founding partner in.

4 Q. And what did it mean to be a
5 founding partner?

6 A. I was one of -- to me, I don't
7 know what your interpretation --

8 Q. Yours is fine.

9 A. To me, you know, I was one of
10 the original employees/partners of the
11 firm.

12 Q. And how many original
13 employees/partners were there?

14 A. I don't remember right now.

15 Q. Was it ten or was it five or
16 was it twenty or some other number,
17 roughly? I'm trying to get a rough sense.

18 A. Again, I don't remember.

19 Q. Do you hold -- I assume you no
20 longer hold a position at WL Ross?

21 MS. WELLS: I object to the
22 form.

23 Q. Is that correct?

24 A. I am no longer employed at WL
25 Ross & Co.

1 Q. Do you have any continuing
2 involvement with any of the companies that
3 WL Ross & Co. either invested in or
4 started?

5 MS. WELLS: I'm going to object
6 to the form.

7 Q. You can answer.

8 A. Can you repeat the question,
9 please?

10 Q. The question is whether --

11 A. I asked him to repeat it.

12 Q. That's all right, I'm allowed
13 to do it.

14 MR. WALSH: She is also allowed
15 to ask the court reporter. Let's have the
16 court reporter read the question back.
17 Let's not bully the witness in the first
18 five minutes of the deposition.

19 A. You asked a very specific
20 question, sir, and I don't want you to
21 paraphrase it unless you say the exact same
22 thing.

23 Q. Ma'am, I'm allowed to change
24 the question.

25 A. Okay.

1 Q. The question will be what I
2 ask. Let's do this: Have you been deposed
3 before?

4 A. Yes, sir.

5 Q. How many times?

6 A. Times in terms of cases or
7 times in terms of days?

8 Q. On how many -- in how many
9 cases have you been deposed, roughly?

10 A. I think two.

11 Q. Have you given testimony at
12 trial or at hearing before?

13 A. Yes.

14 Q. In how many cases?

15 A. Once.

16 Q. What was the case about?

17 A. My neighbor, my former
18 neighbor, had gotten into trouble and so
19 they had called me as a witness to see if
20 he lived in the building.

21 Q. Got it.

22 A. So I had to go to court to
23 testify that I had seen him in the
24 building.

25 Q. All right. So I don't know how

1 the other depositions were conducted, I'm
2 going to ask you questions, all I ask is
3 that you answer them truthfully. If you
4 don't understand them, please ask me to
5 rephrase, tell me you don't understand, or
6 something like that. Can we agree on that?

7 A. Sure.

8 Q. If you need to take a break at
9 any time, just let us know and we will take
10 a break. No one is here, you know, this is
11 not prison, so will you agree to do that?

12 A. If I need to take a break, I
13 will definitely let you know.

14 Q. And these fine folks, they may
15 want you to take a break at some point.

16 A. Sure, or this whole plethora of
17 people.

18 Q. Yes. Is there any reason you
19 can't give truthful testimony here today?

20 A. No, sir.

21 Q. Do you have any other source
22 of -- are you employed in any other way
23 other than in your position at the
24 Department of Commerce right now?

25 A. My only employment is at the

1 Department of Commerce.

2 Q. And when did you start working
3 at the Department of Commerce?

4 A. Sometime in 2017.

5 Q. Early 2017?

6 A. I mean, I can guess.

7 Q. I don't want you to guess. I'm
8 asking you for an understanding, your best
9 recollection.

10 A. My best recollection would have
11 been in about March of 2017.

12 Q. When did Mr. Ross ask you to be
13 chief of staff?

14 A. I don't remember.

15 Q. You said you also hold a
16 position of senior advisor; is that right?

17 A. Sure.

18 Q. Do those have different duties
19 than chief of staff?

20 A. I'm not sure how to answer that
21 question.

22 Q. All right. Let's ask this:
23 There came a time when Mr. Ross asked you
24 to become chief of staff certainly?

25 A. Well, we had talked about it

1 clearly.

2 Q. And what did he say to you and
3 what did he say he wanted you to do in that
4 position?

5 A. I mean, I don't remember. This
6 was, you know, well over, you know, well
7 over a year and a half, two years ago.

8 Q. And you don't remember anything
9 about your discussion with Mr. Ross when he
10 asked you to be chief of staff for the
11 Secretary of Commerce?

12 A. Nothing specific. We had
13 generally talked about whether I would want
14 to be involved, but there was no -- I mean,
15 neither myself nor Mr. Ross, to my
16 knowledge, I certainly have never worked in
17 the government before, so an idea of a
18 chief of staff, you know, I was there to
19 help him. I don't think -- we never had a
20 discussion of I need my chief of staff to
21 do this, because, to my knowledge, he has
22 never had a chief of staff.

23 Q. Okay. So did you have a
24 discussion about what he wanted you to do
25 to help him?

1 A. I don't remember ever having a
2 specific question of or discussion of what
3 I was specifically going to do to help him.

4 Q. Okay. You report directly to
5 him as chief of staff; is that right?

6 A. Yes, sir.

7 Q. How would you describe your
8 job?

9 A. It depends on the day. So I
10 would say a large portion of my job is
11 helping to run the Department of Commerce.
12 The Commerce Department has, you know, I
13 believe a large range of different
14 departments that do different things, and
15 so depending on what's happening there will
16 be different departments that I work more
17 with or different things depending on
18 what's going on.

19 So, for example, trade is
20 obviously a large thing that the Secretary
21 has been involved in, so I will go to trade
22 meetings, you know, I will work with the
23 other agencies on some of the trade-related
24 issues. You know, it just depends on
25 what's happening that day or that week.

1 Q. Were you resident in New York
2 before going to the Commerce Department?

3 A. Yes, sir.

4 Q. When did you move down to
5 Washington?

6 A. Well, I'm not sure what you
7 mean by move down. I started spending a
8 lot of my time in, you know, say, March.
9 I'm still a resident in New York but I also
10 own a place in D.C. as well.

11 Q. Roughly how much time do you
12 spend in D.C.?

13 A. The vast majority of my time.

14 Q. Okay. Did other people from
15 any of the WL Ross companies come to
16 Washington to work at Commerce besides
17 yourself?

18 A. Not that I'm aware of.

19 Q. Did Brooke Alexander work for
20 any of the WL Ross companies?

21 A. Not that I know of.

22 Q. To your knowledge, did she have
23 a prior relationship with the Secretary?

24 A. Prior to her working at the
25 Department of Commerce?

1 Q. Correct.

2 A. No.

3 Q. By the way, when I refer to the
4 Secretary, will you understand that I mean
5 Secretary Ross?

6 A. Sure.

7 Q. How about Under Secretary Karen
8 Dunn Kelley, did she have a prior
9 connection with the Secretary as far as you
10 know?

11 A. Well, she worked at Invesco
12 She did not work -- I believe that you had
13 asked WL Ross.

14 Q. I'm just asking about Secretary
15 Kelley now, Under Secretary Kelley, did she
16 have a prior relationship with Secretary
17 Ross?

18 A. No, but I'm just clarifying
19 your question. You just specifically asked
20 about WL Ross & Co., if anybody came from
21 WL Ross & Co.

22 Q. I did ask that question
23 earlier. Now I'm asking about Under
24 Secretary Kelley, did she have a prior
25 relationship with the Secretary?

1 A. Well, she did not work at WL
2 Ross & Co., but she had worked at Invesco
3 and Invesco purchased WL Ross & Co.

4 Q. Other than yourself -- and I
5 take it Under Secretary Kelley would have
6 known Secretary Ross from that context?

7 A. Sure.

8 Q. Other than yourself and Under
9 Secretary Kelley, is there anyone else at
10 the Commerce Department now in a senior
11 position who has had a prior relationship
12 with Secretary Ross?

13 MS. WELLS: I object to the
14 form.

15 A. I mean, not to my knowledge,
16 but when you say prior relationship, I
17 mean, the Secretary knows a lot of people,
18 so if he had known somebody and met
19 somebody at some other gathering ten years
20 ago and they happened to now work at
21 Commerce, sir, I just -- I don't know.

22 Q. I understand.

23 A. To the -- I'm just thinking
24 through. I can't think of anybody now.

25 Q. All right. When did you first

1 hear about the notion of adding a question
2 about citizenship to the census?

3 A. I just don't remember.

4 Q. Is there any way you would be
5 able to date that?

6 A. No.

7 Q. Is there any kind of document
8 that you remember as -- well, withdrawn.

9 How did you first hear about
10 the notion of adding a citizenship question
11 to the census?

12 A. I don't remember.

13 Q. Would that be reflected in any
14 documents?

15 A. Not that I would be aware of.

16 MR. GERSCH: Let's mark as
17 Teramoto Exhibit 1 a document Bates stamped
18 1321.

19 (Teramoto Exhibit 1 marked for
20 identification.)

21 Q. I have handed the witness an
22 exhibit marked Teramoto Exhibit 1 titled
23 The Supplemental Memorandum of Secretary of
24 Commerce Wilbur Ross Regarding the
25 Administrative Record in Census Litigation.

1 Do you have that in front of
2 you?

3 A. Yes, sir.

4 Q. If you look down to the second
5 sentence, Secretary Ross writes "Soon after
6 my appointment as Secretary of Commerce, I
7 began considering various fundamental
8 issues regarding the upcoming 2020 census,
9 including funding and content. Part of
10 these considerations included whether to
11 reinstate a citizenship question, which
12 other senior Administration officials had
13 previously raised."

14 Let me just stop there. He
15 says that soon after the appointment, his
16 appointment as Secretary of Commerce, if I
17 tell you that he was appointed in February
18 of 2017, shortly before you became chief of
19 staff, does that help you date when you
20 first learned that there was an interest in
21 adding a citizenship question?

22 A. May I read this, please?

23 Q. Certainly.

24 (Witness perusing document.)

25 A. Okay. This is the first time

1 I've seen this memo, sir.

2 Q. All right. Whether it is the
3 first time you have seen it or not -- by
4 the way, that's Secretary Ross' signature
5 on it?

6 A. It looks like it to me.

7 Q. That's all I need to know. All
8 right.

9 My question is whether this
10 document refreshes your recollection that
11 you would have first heard about the idea
12 of adding a citizenship question to the
13 census early in 2017.

14 MS. WELLS: I object to the
15 form.

16 A. No. I mean, what I most
17 remember when we talked about the census,
18 and I wasn't really involved in the census
19 sort of overview of the department, the
20 discussions around census I had always
21 remember really had focused on, one was
22 trying to get a handle on the budget and
23 what contracts had already been agreed to,
24 and, you know, where are we in terms of the
25 numbers.

1 The second thing that was
2 talked about a lot was how is the Census
3 Department going to be able to ramp up the
4 employment of I believe it is half a
5 million people over a very short amount of
6 time and how are we going to do that
7 effectively. And then, you know, what do
8 you do to ensure that there is the most
9 accurate count.

10 I mean, those are the themes.
11 I don't remember specifically the question
12 that you are talking about.

13 Q. You don't remember the -- well,
14 withdrawn.

15 Do you remember that there was
16 a time when the question of adding a
17 citizenship question to the census came up?

18 MS. WELLS: I object to form.

19 A. I don't remember a specific
20 conversation or meeting where it came up.

21 And I should also tell you,
22 sir, you know, I was not -- I was not
23 involved in most of the census meetings at
24 all. I mean, you know, when you look at
25 Commerce, some of the departments that we

1 have are extremely scientific and
2 technical. NOAA is one of them and Census
3 is another one. So, you know, I was not
4 involved in those areas.

5 Q. Did you have any responsibility
6 or did you undertake to do anything with
7 respect to getting the citizenship question
8 on the census?

9 A. I'm not sure what you mean by
10 any responsibility.

11 Q. Did you undertake any tasks
12 related to trying to get a citizenship
13 question put on the census?

14 A. Did I personally? No.

15 Q. None whatsoever?

16 A. Did I ever -- I guess I'm a
17 little confused. You are asking if I did
18 anything for the citizenship question?

19 Q. I'm asking if you did anything
20 to try and help get a citizenship question
21 put on the census.

22 A. No.

23 MR. GERSCH: Let's mark
24 Teramoto Exhibit 2.

25 Counsel, this is a two-page

1 document. The second page, for reasons I
2 don't understand, are blank. I propose
3 only to mark the first page, unless you
4 object.

5 MS. WELLS: No objection.

6 (Teramoto Exhibit 2 marked for
7 identification.)

8 Q. For the record, this is Bates
9 stamped 3699. It is an e-mail thread, the
10 top one of which states that it is from
11 Secretary Ross sent May 2nd, 2017 to Wendy
12 Teramoto, "Re: Census."

13 Take a moment to read this, I
14 think most of it is blacked out, and let me
15 know when you've had a chance to do that.

16 (Witness perusing document.)

17 A. Okay.

18 Q. Ms. Teramoto, let me direct you
19 to the middle of the document where it says
20 "Begin Forwarded Message: From: Alexander,
21 Brooke, To: Wendy Teramoto."

22 Do you see that?

23 A. Uh-huh. Yes, sir.

24 Q. So this appears that she is
25 forwarding a message, and then the message

1 that she appears to be forwarding is headed
2 Original Message from Wilbur Ross to Earl
3 Comstock and Ellen Herbst.

4 You see that, right?

5 A. Correct. I'm not on the
6 original e-mail.

7 Q. Correct.

8 And then Secretary Ross has
9 written "Worst of all, they emphasize they
10 have settled with Congress on the questions
11 to be asked. I am mystified why nothing
12 have been done in response to my months old
13 request that we include the citizenship
14 question. Why not?"

15 All right, this question
16 appears to have been forwarded to you May
17 2nd, 2017. Do you remember that?

18 A. I don't -- I don't remember
19 receiving it.

20 Q. Do you deny receiving it?

21 A. No.

22 Q. And then above the forwarding
23 part, there is a message that says "Wendy
24 Teramoto wrote: I continue to talk
25 frequently with Marc Neumann and we often

1 have dinner together. He will not leave
2 les, but is in love with the census and
3 talks about it nonstop. Do you want me to
4 set up another meeting? Let me know if you
5 want to have a drink or get together over
6 the weekend."

7 Then Secretary Ross has written
8 in response to you, "Let's try to stick him
9 in there for a few days to fact-find."

10 Do you see that?

11 A. Yes, sir.

12 Q. So you would have received this
13 at the beginning of May, and the message
14 that is forwarded to you has Secretary Ross
15 complaining that nothing has been done in
16 response to his months-old request that we
17 include a citizenship question.

18 Does this help you remember
19 that you had some involvement in getting
20 the citizenship question on the census?

21 A. No.

22 MS. WELLS: Objection to form.

23 A. Well, wait a minute. First of
24 all, this is -- this is two sentences out
25 of an e-mail that I have no idea what else

1 was said. It is titled Census.

2 So this has -- I mean, just
3 because, you know, for you to imply that
4 because I had suggested he set up a meeting
5 or talk to somebody who worked on the
6 transition team for census has nothing to
7 do with, in my eyes, the citizenship
8 question. It has to do with the census as
9 a whole.

10 Q. Ms. Teramoto, you started
11 earlier in your answer referencing that
12 there were things in the message that you
13 can't read.

14 Do you understand that it is
15 the government lawyers who have blocked
16 that information out?

17 A. Between all the lawyers, I
18 mean, you know, it's not -- I'm not part of
19 the process of what is shown or what's not.
20 I know that they follow the rules and
21 regulations of what they are supposed to
22 do.

23 Q. My question is, do you
24 understand that it is the government
25 lawyers who have blocked that information

1 out that you say you can't read on here?

2 A. If that's what you are telling
3 me, I have no reason to believe that it's
4 not true.

5 Q. All right. When Secretary Ross
6 says "I'm mystified why nothing have been
7 done in response to my months old request,"
8 why did Secretary Ross request as of
9 several months apparently before May 2nd,
10 2017, why did he request that a citizenship
11 question be included on the census?

12 A. I have no idea. I mean, as you
13 have correctly pointed out, this was in
14 May. I didn't write the e-mail and I
15 wasn't even -- he didn't even send it to
16 me.

17 Q. I take it your testimony is
18 that Secretary Ross never told you the
19 reason that he made such a request?

20 A. I have never asked.

21 Q. That's not my question. Did he
22 ever tell you?

23 A. No.

24 Q. Did you ever learn to whom he
25 made that request?

1 A. Of what?

2 Q. The request to add a
3 citizenship question.

4 MS. WELLS: I object to form.

5 A. I guess I'm confused. Can you
6 please repeat the question?

7 Q. Certainly.

8 He says he "made a months old
9 request that we include a citizenship
10 question." Did you ever learn to whom he
11 made the request?

12 A. I have no idea.

13 Q. All right. So this is
14 forwarded to you by Brook Alexander, and
15 you respond by saying that you talk
16 frequently with Marc Neumann and asking if
17 the Secretary wants to meet with him.

18 Who is Marc Neumann?

19 A. So Marc Neumann was somebody
20 that I met on the transition team who had
21 worked at Census before.

22 Q. And did you discuss the
23 citizenship question with Marc Neumann?

24 A. Did I?

25 Q. Yes.

1 A. Not that I remember.

2 Q. And --

3 A. Again, a lot of the census
4 focus was on the budget and how are you
5 going to properly ramp up half a million
6 employees in such a short amount of time.

7 Q. When Secretary Ross says "Let's
8 try to stick him in there for a few days to
9 fact-find," did you do that?

10 A. I believe so, but I don't -- I
11 believe I did, but I don't remember when.

12 Q. Okay. And when you say you
13 believe you did, what is it that you had
14 him do? Did you have him go down to the
15 Census Bureau?

16 A. Have who go down?

17 Q. Mr. Neumann.

18 A. No.

19 Q. When it says "Let's try to
20 stick him in there a few days to
21 fact-find," who is the "him"?

22 A. I mean, I didn't write the
23 e-mail. If you want me to guess.

24 Q. This is from the Secretary to
25 you, correct?

1 A. Correct.

2 Q. And you are his chief of staff?

3 A. Well, I wasn't in -- not in
4 that time period.

5 Q. You weren't the chief of staff
6 on May 2nd, 2017?

7 A. No.

8 Q. What were you with respect to
9 Commerce?

10 A. I was a senior advisor.

11 Q. In any case, Secretary Ross
12 sent it to you?

13 A. Sure, on May 2nd, there is an
14 e-mail from Wilbur Ross to me.

15 Q. And he asked you "Let's try to
16 stick him in there."

17 A. Correct.

18 Q. And I'm asking you -- and you
19 said you did it, that was your testimony,
20 correct?

21 A. You were asking me who is
22 "him," and I'm telling you I think it is
23 Marc Neumann.

24 Q. That's what I asked. I didn't
25 think you had answered it originally. All

1 right, thank you.

2 And where did you stick him for
3 a few days to fact-find?

4 A. I'm not sure how to answer that
5 question. I don't think I stuck Marc
6 Neumann anywhere.

7 Q. I'm just using the Secretary's
8 language, it's not yours. Secretary Ross
9 says "Let's stick him in there." Where is
10 "in there"?

11 A. I believe he is saying let's --
12 this is me trying to guess what "stick him
13 in there" meant over a year ago, but I
14 believe it is trying to find something on
15 his calendar to meet with him. I don't
16 think he literally meant to stick Marc
17 Neumann somewhere.

18 Q. So if I understand you
19 correctly, when he says "Let's try and
20 stick him in there for a few days," are you
21 saying what Secretary Ross means is can you
22 get Mr. Neumann on my calendar?

23 A. I mean, when I look at it, it
24 would have been something like that. There
25 was never a time period when I tried to

1 stick Marc Neumann in anyplace.

2 Q. All right. Does your thinking
3 this has to do with getting him on the
4 calendar, does that square with the "for a
5 few days to fact-find"?

6 A. Again, I mean, you asked me
7 what I thought, if I had read it. I would
8 have said get him on the calendar, even
9 today.

10 Q. So if I understand your
11 testimony, you were not chief of staff at
12 this time, you were a senior advisor, and
13 so you would have become chief of staff
14 sometime after May 2nd, 2017; is that
15 right?

16 A. I would -- it is correct to say
17 that I would become chief of staff after
18 May 2nd of 2017.

19 Q. Do you connect or relate
20 becoming chief of staff to any particular
21 event? I'm trying to get a rough sense of
22 the date. So I'm trying to understand --

23 A. Oh, you should have just asked.

24 No, I believe I became chief of
25 staff, I don't have the exact date, sir,

1 but it was -- I believe it was right at the
2 end of July of 2017.

3 Q. Did you ever speak with Marc
4 Neumann about the citizenship question?

5 A. Not that I remember.

6 Q. You are still chief of staff
7 today, correct?

8 A. As far as I know, sir.

9 Q. Let's mark another document.
10 Let's have this marked as Teramoto Exhibit
11 No. 3. It is a two-page document, 763 and
12 764.

13 (Teramoto Exhibit 3 marked for
14 identification.)

15 A. Is this the entire e-mail, sir?

16 Q. That's what has been produced
17 to us.

18 A. Okay. Would you like me to
19 read it, sir?

20 Q. I'm going to ask you a question
21 about it, and at that point I would say
22 read it to the extent you need to read it
23 to answer the question.

24 A. Okay.

25 Q. So this is an e-mail chain,

1 which at the top says from Kris Kobach to
2 Wendy Teramoto, CC Brooke Alexander, Israel
3 Hernandez, date is July 24th, 2017.

4 And my first question is, who
5 is Kris Kobach?

6 A. I would like to read the
7 document, sir.

8 Q. I will withdraw the question.
9 Let me ask you a different question. If
10 you need to read the document to answer
11 that question, it is fine with me.

12 He was vice chair of the
13 Presidential Advisory Committee on Election
14 Integrity and Secretary of State of Kansas;
15 isn't that right?

16 A. I have no idea.

17 Q. All right.

18 A. He was vice what?

19 Q. Vice chair of the Presidential
20 Advisory Commission on Election Integrity.

21 A. Okay.

22 Q. Is this the first you're
23 hearing that?

24 A. Yes, sir.

25 Q. If I tell you he was Secretary

1 of State of Kansas, have you heard that
2 before?

3 A. Well, I just read it right
4 here.

5 Q. So you would have known that
6 back in the day?

7 A. No.

8 Q. All right. So Kris Kobach
9 writes an e-mail to you, if you look down
10 that first page, July 21, 2017, he writes
11 "Wendy, nice meeting you on the phone this
12 afternoon. Below is the e-mail I sent to
13 Secretary Ross" --

14 A. Sir, can I read the whole
15 e-mail, please?

16 Q. Sure.

17 A. Thank you.

18 (Witness perusing document.)

19 A. Okay.

20 Q. All right. So there is an
21 e-mail from Kris Kobach to you, July 21, in
22 which he says -- he references meeting you
23 on the phone this afternoon.

24 Do you recall speaking with
25 Kris Kobach?

1 A. Not at all.

2 Q. You don't deny speaking with
3 him?

4 A. I think you asked me if I
5 remember. I don't remember talking to him.

6 Q. This is a different question.
7 You don't deny speaking with
8 him?

9 A. Given this e-mail, I would
10 assume that I spoke to him, but I don't
11 remember ever speaking to him.

12 Q. All right. And he asks --
13 withdrawn.

14 He says that he had sent an
15 e-mail to Secretary Ross and he attaches it
16 here. You see that, correct?

17 A. Well, I see his e-mail to me
18 says "Below is the e-mail that I sent to
19 Secretary Ross."

20 Q. Okay.

21 A. So I assume however this is
22 produced, it would have been this e-mail.

23 Q. All right. And one of the
24 things that the e-mail that Kris Kobach
25 forwards to you, one of the things in it is

1 the statement "It is essential that one
2 simple question be added to the upcoming
3 2020 census," that's the first sentence of
4 the second paragraph of this forwarded
5 e-mail; do you see that?

6 A. The second -- the first
7 sentence of the second paragraph that Kris
8 Kobach sent to, I believe it is Secretary
9 Ross, but I can't say his -- there is no
10 e-mail address -- says "It is essential
11 that one simple question be added to the
12 upcoming 2020 census."

13 Q. All right. When you spoke with
14 Kris Kobach, didn't he talk to you about
15 adding a citizenship question to the
16 census?

17 A. Again, I have no recollection
18 ever speaking to him.

19 Q. Who did you understand Kris
20 Kobach to be at the time?

21 A. I had no idea.

22 Q. Do you typically set up
23 meetings with the Secretary or calls with
24 the Secretary to people -- with people you
25 have no idea who they are?

1 A. You asked me, sir, if at the
2 time if I knew who Kris Kobach was, and I
3 said I didn't.

4 Q. Correct. I have asked you a
5 different question now.

6 A. Okay. Could you please repeat
7 it?

8 Q. My question is, would you
9 typically set up a call for the Secretary
10 with somebody who you didn't know anything
11 about who they were?

12 A. Well, no.

13 Q. Why did you do so on this
14 occasion?

15 A. Here it looks as though he
16 forwarded to me and told me who he was.

17 Q. Okay. And why did you set up a
18 call with him with the Secretary?

19 A. At this point in time, I don't
20 remember.

21 Q. It had to do with the
22 citizenship question, didn't it?

23 A. He had sent an e-mail
24 requesting a call, and I don't remember,
25 well, it looks like I set it up, so, you

1 know --

2 Q. Ms. Teramoto, my question is
3 simply, the call that you set up, that was
4 for the purpose of discussing the
5 citizenship question, correct?

6 A. It was -- I would have set up
7 the call because somebody had asked for a
8 call with the Secretary.

9 Q. Didn't you set it up for the
10 Secretary in part because it was about the
11 citizenship question?

12 A. I would have set up the call
13 because somebody had asked for the call
14 with the Secretary. It wouldn't be
15 specifically because of a certain question.

16 Q. You wouldn't set up a call for
17 anyone who asks for a call with the
18 Secretary, would you?

19 A. If there is somebody who wants
20 to speak to the Secretary and it seems like
21 it is something that he would want to talk
22 about, then I would set it up.

23 Q. So I take it he would, in your
24 mind, he would have wanted to talk about
25 the citizenship question?

1 A. I would have set up the call if
2 somebody like this would have asked for a
3 call with the Secretary, so if another
4 Secretary of State had asked for some call
5 with the Secretary, I would have tried to
6 facilitate that.

7 Q. Wouldn't you have told the
8 Secretary what the topic of the call was?

9 MS. WELLS: I object to the
10 form.

11 A. It depends.

12 Q. Wouldn't you have told him what
13 the topic of this call was?

14 MS. WELLS: I object to the
15 form.

16 A. Somebody would have told him
17 what the topic was.

18 Q. In this time period, July 2017,
19 and earlier, hadn't you heard talk like
20 this before that it is essential that the
21 citizenship question be added to the
22 census?

23 A. I don't remember anything
24 specific.

25 Again, sir, I was not involved

1 in the day-to-day workings of the census.
2 I think that's also demonstrated by the
3 fact that I wasn't -- I don't remember ever
4 being on this call, and it doesn't look
5 like when I set it up, I had any intention
6 of being on that call.

7 Q. In his e-mail to you, Kris
8 Kobach also said that when he spoke to the
9 Secretary, he did so at the direction of
10 Steve Bannon.

11 Steve Bannon worked in the
12 White House, correct?

13 A. Yes.

14 Q. Did you ever talk to Steve
15 Bannon about the census?

16 A. Never.

17 Q. Did you ever set up a call for
18 the Secretary and Steve Bannon about the
19 census?

20 A. No.

21 Q. Would there be notes of the
22 Secretary's conversation with Kris Kobach?

23 A. I have no idea, sir, because I
24 wasn't part of that call.

25 Q. Were there -- but as his chief

1 of staff, was it typical that there would
2 be notes of a call that people would have
3 with the Secretary?

4 A. I don't take notes.

5 Q. Is there someone whose job it
6 is, someone other than you, or an
7 instruction that people should take notes?

8 A. No.

9 Q. How about to log the call, does
10 the Secretary have a calendar in which his
11 calls are logged, or some other document
12 which logs his calls?

13 A. In general, sir?

14 Q. Yes.

15 A. Well, he does have a calendar.

16 Q. Do you keep his calendar?

17 A. No, sir.

18 Q. Who keeps his calendar?

19 A. There is a scheduler who keeps
20 his calendar.

21 Q. Who is the scheduler?

22 A. For what time frame?

23 Q. This time frame, July 2017.

24 A. I don't remember.

25 Q. Who is it now?

1 A. A woman by the name of Morgan.

2 Q. What is her last name?

3 A. Brendan.

4 Q. For how long has she been the
5 scheduler, roughly?

6 A. I'm guessing, I'm thinking,
7 five months.

8 Q. Do you have access to the
9 Secretary's calendar even if you don't keep
10 it?

11 A. Sure.

12 Q. Do you keep a calendar?

13 A. Well, when you say access, I
14 have never -- I never put anything into his
15 calendar. I'm able to --

16 Q. View it?

17 A. View it, but I have never
18 input.

19 Q. Understood.

20 Do you keep a calendar?

21 A. Yes, sir.

22 Q. And do you typically put calls
23 on it when you are going to have a call?

24 A. It depends.

25 Q. Do you try and do it?

1 A. Well, I don't do it. Usually
2 somebody would do it for me.

3 Q. Who does it for you?

4 A. Well, right now it would be
5 Morgan.

6 Q. Who would have done it in July,
7 roughly July, summer of 2017?

8 A. I don't know, sir, because we
9 have had several different schedulers.

10 And also, sir, just so you're
11 aware, there is a calendar, but then when
12 the date changes, some things get removed
13 and some things get added, I'm sure the
14 same as your personal calendar.

15 Q. I understand. Let's have this
16 marked Teramoto Exhibit 4.

17 (Teramoto Exhibit 4 marked for
18 identification.)

19 A. And then after this one, sir,
20 can we take a break?

21 Q. Certainly. Unless you want to
22 take a break now. Up to you.

23 A. Let's take a break now.

24 Q. Certainly.

25 THE VIDEOGRAPHER: The time is

1 10:01 a.m. and this marks the end of media
2 unit number one.

3 (Recess taken.)

4 THE VIDEOGRAPHER: The time is
5 10:10 a.m. and this begins media unit
6 number two.

7 BY MR. GERSCH:

8 Q. Ms. Teramoto, you have in front
9 of you what has been marked Teramoto
10 Exhibit 4.

11 My first question, simple one,
12 the top line of this memo, I'm sorry, this
13 exhibit, indicates that it is an e-mail
14 from Earl Comstock dated August 16, 2017 to
15 you, CC'd to the Secretary; is that
16 correct?

17 A. So that's not the original
18 thread of the e-mail, right? The original
19 e-mail looks as though it is August 11th
20 from Earl to -- I still can't see how --

21 Q. My question was a little bit
22 different.

23 A. Okay.

24 Q. My question was simply, the top
25 part of the e-mail, the top part of the

1 exhibit, I'm sorry, the top part of the
2 exhibit indicates that it is an e-mail from
3 Earl Comstock to you dated August 16, 2017
4 and CC'd to the Secretary?

5 A. Yeah.

6 Q. And its subject is Memo on
7 Census Question, correct?

8 A. Sure.

9 Q. And the e-mail immediately
10 below that is from you to Mr. Comstock,
11 CC'd to the Secretary, also on the subject
12 Memo on the Census Question, correct?

13 A. From me to Earl, correct? It
14 looks like I'm responding to --

15 Q. We will get to that.

16 A. -- an original e-mail.

17 Q. Who is Earl Comstock?

18 A. So Earl Comstock is the current
19 director of policy at the Department of
20 Commerce.

21 Q. And what do you understand his
22 responsibility to be in that function?
23 Actually, I withdraw that.

24 Was he in this position at that
25 time, roughly?

1 A. I believe so.

2 Q. And what do you understand to
3 be his role?

4 A. At this time or --

5 Q. Correct.

6 A. Well, he was the director of --
7 or he is the director of policy, so he
8 works on various issues with the Secretary.

9 Q. All right. And then going to
10 the last e-mail on this page, this is an
11 e-mail from Mr. Comstock to the Secretary
12 in which he says "Per your request, here is
13 a draft memo on the citizenship question
14 that James Uthmeier of the Office of
15 General Counsel prepared and I reviewed.
16 Once you have had a chance to review, we
17 should discuss," and then it goes on,
18 correct?

19 A. Would you like me to read it,
20 sir?

21 Q. I'm just asking you if that's
22 what's attached here at the bottom of the
23 e-mail chain.

24 A. Well, let me read it, please.

25 (Witness perusing document.)

1 A. Okay.

2 Q. Did I read that correctly?

3 A. I mean, we can have him read it
4 back. I don't remember exactly how you
5 read the e-mail.

6 Q. Ms. Teramoto, the question was,
7 isn't there an e-mail attached at the
8 bottom of this chain that said certain
9 words, and you asked to read it; did I read
10 it correctly?

11 A. I just read the e-mail. I
12 wasn't following -- I wasn't tracking your
13 reading it.

14 Q. All right.

15 A. I assume you just read it.

16 Q. Ms. Teramoto, I'm going to ask
17 you certain questions. I'm really only
18 interested in the answers to my questions.
19 If you need to read something to answer my
20 question, I'm more than happy for you to
21 read it.

22 A. Okay, thank you.

23 Q. But I do want, at the end of
24 it, an answer to my question.

25 A. Okay.

1 Q. All right. You have read it.
2 You see, I take it, that
3 Mr. Comstock has written the Secretary that
4 he is enclosing a draft memo on the
5 citizenship question, and then that e-mail
6 has found its way to you because you are on
7 this chain, correct?

8 A. I believe so. Again, I know,
9 sir, it's not your fault, but I find it
10 just tricky to follow the e-mail chains,
11 because, again, here we have an e-mail from
12 Earl Comstock, and it's, you know,
13 addressed to the Secretary, so I assume he
14 e-mailed it to the Secretary. I just can't
15 see it.

16 Q. All right. In any event, you
17 respond to Mr. Comstock, CC to the
18 Secretary, that "Peter Davidson and Karen
19 Dunn Kelley will both be here Monday.
20 Let's spend 15 minutes together and sort
21 this out. W."

22 A. Sure.

23 Q. And this is on the memo on the
24 citizenship question?

25 A. Sure.

1 Q. So it appears that you had some
2 involvement with the citizenship question,
3 correct?

4 A. If setting up a meeting -- it
5 looks like I set up a meeting for them. I
6 don't ever remember being at that meeting.

7 Q. All right, thank you for that.
8 But it does suggest -- am I
9 reading it right when it suggests that you
10 are going to participate in this meeting?
11 "Let's spend 15 minutes together and sort
12 this out."

13 MS. WELLS: Objection to form.

14 A. No.

15 Q. You don't read that as saying
16 you would participate in the meeting?

17 MS. WELLS: I object to the
18 form.

19 A. When I say "let's," it doesn't
20 mean I always join the meetings. Let's
21 have the group get together.

22 Q. All right. I'm sorry, finish
23 your answer.

24 A. I don't remember -- I don't
25 remember ever participating in this

1 meeting.

2 Q. If there was such a meeting,
3 would you have typically put it on your
4 calendar if you were participating?

5 A. If there was such a meeting?
6 No, I mean, again, again, I did not
7 participate in very many census meetings at
8 all.

9 Q. Is it your testimony that you
10 did not participate in this meeting?

11 A. My testimony is that I don't
12 remember being in a meeting with Peter
13 Davidson and Karen Dunn Kelley specifically
14 talking about the census memo.

15 Q. Do you have an understanding as
16 to why this is coming to you if you have no
17 involvement with the citizenship question?

18 A. Sure. People CC me on things.

19 Q. Why are you the one setting up
20 the meeting?

21 A. Probably because I said people
22 should get together and discuss it.

23 Q. Why do they need you to do
24 that? Why can't they do that without you?

25 A. I'm sure they can.

1 Q. You agree that someone would
2 have had to forward Earl Comstock's
3 original e-mail to the Secretary about this
4 to you for you to be setting up the
5 meeting?

6 A. Somebody would have had to
7 forward -- I'm sorry, can you say that
8 again?

9 Q. Yeah. For you to be setting up
10 this meeting and for you to have a copy of
11 Earl Comstock's e-mail to the Secretary
12 about the citizenship question memo,
13 someone would have had to forward you that
14 e-mail?

15 A. Sir, that's the exact thing I
16 was telling to you earlier, is that the way
17 these are laid out, I know it is not your
18 fault, it is just confusing. I don't know
19 if it was forwarded or if I was CC'd on it.

20 And I can't tell, you know,
21 who -- I mean, it says that it is what Earl
22 Comstock wrote, but I don't see who he sent
23 it to, so I share your frustration.

24 Q. You don't deny getting a copy
25 of Earl Comstock's e-mail to Secretary

1 Ross, do you?

2 A. Again, from what I can see
3 here, it looks as though I was either
4 forwarded or CC'd it. I don't know. I'm
5 guessing like you are, sir.

6 Q. My question was a little more
7 specific.

8 You don't deny receiving a copy
9 of Earl Comstock's e-mail at the bottom of
10 that page --

11 MS. WELLS: I object to the
12 form.

13 Q. -- saying that he has got a
14 memo for the Secretary about the
15 citizenship question?

16 MS. WELLS: Objection to form.

17 A. My best guess, sir, is that it
18 was sent to my e-mail.

19 Q. Thank you.

20 Let's mark this as Teramoto
21 Exhibit No. 5. It is a two-page document
22 Bates stamped 1411 and 1412.

23 (Teramoto Exhibit 5 marked for
24 identification.)

25 Q. All right. You have in front

1 of you what has been marked as Exhibit 5.

2 My first question is going to
3 go to what is on the second page, that is
4 the first e-mail in the thread, which says
5 it is sent from Peter Davidson August 29,
6 2017, to Israel Hernandez, Earl Comstock,
7 James Uthmeier, CC'd to you, and it says
8 "The Secretary asked to set up a briefing
9 on some of the legal questions he is
10 concerned with." The subject is the
11 Census. And it goes on.

12 Do you know why this was CC'd
13 to you?

14 A. Sir, can I read the e-mail,
15 please?

16 Q. Sure.

17 A. Thanks.

18 (Witness perusing document.)

19 A. Okay. Could you please repeat
20 your question, sir?

21 Q. Do you know why this was CC'd
22 to you?

23 A. Probably for situational
24 awareness or seeing if when he had time on
25 his calendar.

1 Q. All right. And then --

2 A. Because this is, again, I was
3 only CC'd, this isn't even to me.

4 Q. Understood.

5 A. Okay.

6 Q. Then the scheduler, who at the
7 time, who is Chelsey Neuhaus, she sends
8 around an e-mail August 29, 2017, this is
9 on the first page, that says "Would one of
10 you be able to confirm that these are the
11 only attendees that should be included in
12 next Wednesday's census briefing."

13 Do you see that?

14 A. Yes, sir.

15 Q. The first name of the people to
16 be included is you, right?

17 A. Yes, sir.

18 Q. You participated in this
19 briefing; is that right?

20 A. Not that I'm aware of.

21 Q. Do you deny that you
22 participated in this meeting?

23 A. I don't remember attending this
24 meeting. And just so you understand, sir,
25 they usually include me as an attendee for

1 every single meeting of the Secretary.

2 Many of them I don't attend.

3 Q. Okay. I understand you saying
4 that you don't recall.

5 My question is, as you sit here
6 today, do you deny attending this meeting?

7 A. As I sit here today, I don't
8 remember going to this and I highly doubt
9 that I went to it. Again, I was not
10 involved in the day-to-day interactions on
11 the census.

12 Q. And you didn't provide any
13 information to the Secretary to assist him
14 in arriving at his decision to add a
15 citizenship question to the census?

16 MS. WELLS: I object to the
17 form. Asked and answered.

18 A. Again, you know, relating to
19 census, there is an entire Census Bureau,
20 so I would have facilitated a meeting, but
21 I clearly would not be the one to -- I'm
22 not the appropriate person to provide
23 information for him on these types of
24 things.

25 Q. My question was a little

1 different.

2 A. Okay.

3 Q. Is it correct that you did not
4 provide any information to the Secretary to
5 assist him in arriving at his decision to
6 add a citizenship question to the census?

7 MS. WELLS: Asked and answered.

8 Q. I don't believe you've answered
9 the question.

10 A. Sorry.

11 Q. Excuse me, let the record
12 reflect we have been waiting for a minute
13 for the answer.

14 A. Sorry, I thought she said -- I
15 thought I already answered it.

16 Q. She can make any objections she
17 wants. They are for the record. Unless
18 she instructs you not to answer and you
19 elect to follow her advice, you need to
20 answer the question.

21 A. Sorry. I apologize. I
22 thought -- I wasn't -- I didn't know you
23 were waiting for me.

24 Again -- can you repeat the
25 question?

1 Q. Sure. Did you provide any
2 information to Secretary Ross to assist him
3 in arriving at his decision to add the
4 citizenship question?

5 MS. WELLS: I will say asked
6 and answered again.

7 A. Okay, thank you.

8 I certainly did not create any
9 information to give to the Secretary
10 relating to the citizenship question.

11 Q. Let's have this marked as
12 Teramoto Exhibit 6.

13 (Teramoto Exhibit 6 marked for
14 identification.)

15 Q. For the record, this is
16 Teramoto Exhibit 6, Bates stamped 2519 and
17 2520. At the top, it is an e-mail from
18 Earl Comstock to Wilbur Ross, CC'd Wendy
19 Teramoto, "Re: IT Request."

20 And I will add for the record
21 there are seven lines of substantive text
22 in this e-mail.

23 Ms. Teramoto, the subject line
24 is "Re: IT Request" and then something is
25 blanked out. What is IT request? Does

1 that have a meaning to you?

2 MS. WELLS: I object to the
3 form.

4 Q. ITA. It says ITA. I said IT.
5 I was wrong.

6 A. ITA is a department within
7 Commerce.

8 Q. What does ITA stand for?

9 A. International Trade.

10 Q. The second e-mail in the chain,
11 the second from the top is from the
12 Secretary, August 31, 11:12 p.m., it says
13 "I have received no update nor has there
14 been an update nor the issue of the census
15 question."

16 Did you understand that during
17 various times during 2017 Secretary Ross
18 would say something to the effect that he
19 didn't know where the issue of the
20 citizenship question was or the census
21 question and wanted an update?

22 MS. WELLS: I object to form.

23 A. Was I aware of it?

24 Q. Yes.

25 A. I mean, here, if I had read the

1 e-mail, I would have been aware that he was
2 asking about it.

3 Q. Would you read e-mails from the
4 Secretary?

5 A. It depends.

6 Q. Are there e-mails from the
7 Secretary that you choose not to read?

8 A. Sure, or that I skim.

9 Q. At the top, Mr. Comstock says
10 "Understood. Wendy and I are working on
11 it." Then he says "On census, I have a
12 meeting tomorrow with Ellen and Karen where
13 they are supposed to have definitive
14 numbers. I will send you a report on the
15 meeting and the numbers," and he goes on.

16 When he says "Wendy and I are
17 working on it," do you know what that
18 means?

19 A. I assume it is some ITA
20 request.

21 Q. Did you learn that, through the
22 course of 2017, either directly from the
23 Secretary or from other people who worked
24 at Commerce, that the Secretary was very
25 interested in adding a census question --

1 I'm sorry, a citizenship question to the
2 census?

3 MS. WELLS: I object to form.

4 A. Did I learn throughout 2017?

5 Q. During 2017.

6 A. It is hard for me to say very
7 interested. It clearly was a topic that
8 had come up.

9 Q. Did you learn that it was a
10 matter of importance for him?

11 A. I don't know how to engage
12 matter of importance. There is a lot of
13 things that are important to him.

14 The budget on census, I
15 remember that being extremely important to
16 him. I remember --

17 Q. Wasn't the -- I'm sorry, go
18 ahead.

19 A. -- spending time trying to
20 figure out how we are going to ramp up the
21 employment for census. I remember those.

22 Q. Wasn't the citizenship question
23 important to Secretary Ross?

24 MS. WELLS: I object to the
25 form.

1 A. Again, I can't answer, sir,
2 what is or is not important to the
3 Secretary.

4 Q. Who could?

5 A. The Secretary.

6 (Teramoto Exhibit 7 marked for
7 identification.)

8 Q. Ms. Teramoto, I have handed you
9 what has been marked Teramoto Exhibit 7,
10 which at the top is a memo -- an e-mail,
11 sorry, from Earl Comstock dated September
12 16, 2017 to you. Do you see that?

13 A. Yes, sir. Would you like me to
14 read it?

15 Q. In a moment.

16 Earl's memo to you says
17 "Morning Wendy: Here is the memo I gave
18 SWLR regarding my discussions with DOJ.
19 Earl."

20 I take it SWLR will refer to
21 the Secretary, Secretary Wilbur L. Ross?

22 A. Yes, sir.

23 Q. And then below that is the memo
24 or e-mail that he sent to the Secretary
25 which is dated September 8, 2017 from Earl

1 Comstock to Secretary Wilbur Ross, Census
2 Discussions with DOJ.

3 And let me ask you to read that
4 e-mail there.

5 A. Sure.

6 Q. And then I will ask you
7 questions about it.

8 A. Okay.

9 (Witness perusing document.)

10 Q. Who is Eric Branstad?

11 A. Just a minute, sir.

12 (Witness perusing document.)

13 A. I'm sorry?

14 Q. Who is Eric Branstad?

15 A. Eric Branstad used to be the --
16 I forgot his exact title. He was -- I
17 don't know if he was Senior White House --
18 I think he was the White House liaison, or
19 the White House advisor, I'm not sure, for
20 Commerce.

21 Q. Did he have a role with respect
22 to the citizenship question?

23 A. Not that I'm aware of.

24 Q. Mr. Comstock -- withdrawn.

25 You understood that

1 Mr. Comstock forwarded this e-mail to you
2 on a Saturday because he wanted you to have
3 background on what was going on with the
4 citizenship question, correct?

5 MS. WELLS: I object to form.

6 A. I have no idea why he sent it,
7 but he did forward me his memo to the
8 Secretary.

9 Q. Did you discuss -- did you have
10 discussions with Mr. Comstock about the
11 citizenship question in connection with
12 this e-mail or for any reason on or about
13 September 16th, 2017?

14 A. I don't believe so.

15 Q. And when I say on or about, I
16 mean the day before, the day after. You
17 don't believe you had any discussions with
18 him?

19 A. I don't believe I actually read
20 the memo.

21 Q. Why do you think that?

22 A. Because I wasn't involved with
23 the census.

24 Q. You had no involvement as far
25 as you could tell?

1 A. Very limited involvement.

2 Q. Didn't you have involvement on
3 the citizenship question on or about
4 September 16, 2017, and isn't that why he
5 is sending you this e-mail?

6 MS. WELLS: I object to the
7 form.

8 A. No. Again, as I've said, I'm
9 copied or sent things for my situational
10 awareness. I don't know if receiving an
11 e-mail constitutes being involved.

12 Q. And you did nothing with
13 respect to the citizenship question in this
14 time frame?

15 MS. WELLS: Objection, form,
16 asked and answered.

17 A. I don't remember receiving this
18 e-mail. I don't remember reading this
19 e-mail. And I certainly don't recall ever
20 having a discussion specifically on this
21 e-mail train with Earl Comstock around
22 September.

23 Q. You didn't ask Mr. Comstock
24 what's the latest on the citizenship
25 question, what's DOJ doing on the

1 citizenship question, anything like that?

2 MS. WELLS: I object to form.

3 A. Not that I remember.

4 Again, I'm CC'd on a lot of
5 things. Just because I received the e-mail
6 does not mean that, A, I read it, and B, I
7 then get involved in it. There is too much
8 stuff going on at Commerce.

9 Q. Let's have this marked as
10 Teramoto Exhibit 8.

11 (Teramoto Exhibit 8 marked for
12 identification.)

13 Q. You know, before I ask you to
14 look at that document, how did you prepare
15 for this deposition?

16 A. I met with the lawyers, who I
17 guess would have gave me the outlines of
18 how the depositions work in terms of, you
19 know, make sure I'm truthful, answer the
20 questions that you've asked.

21 Q. Were you shown any documents?

22 A. Sure.

23 Q. Were you shown any of the
24 documents that have been marked as exhibits
25 in this case?

1 MS. WELLS: I'm going to object
2 to the question and direct the witness not
3 to answer.

4 MR. GERSCH: What basis?

5 MS. WELLS: It is
6 attorney-client work product.

7 Q. Did any of the documents that
8 you were shown refresh your recollection?

9 MS. WELLS: I object to the
10 form.

11 Q. Were they shown to you for the
12 purpose of refreshing your recollection?

13 MS. WELLS: I'm going to object
14 to the form, and I'm also going to object
15 on the basis of privilege and
16 attorney-client and work product, and
17 direct you not to answer.

18 Q. Didn't you understand that
19 that's why they were showing you the
20 documents, to refresh your recollection?

21 MS. WELLS: Same objections and
22 same direction to the witness.

23 Q. Are you refusing to answer
24 these questions based on the instruction of
25 counsel? You've got to answer that one.

1 A. Am I --

2 Q. Are you refusing to answer my
3 questions about the documents you reviewed
4 based on the advice or instructions of your
5 counsel? You will want to answer that yes.

6 A. Yes, sir. Thank you for the
7 help.

8 Q. All right. Let's turn to
9 Teramoto Exhibit No. 8.

10 A. Okay.

11 Q. All right. This is an e-mail
12 thread with five lines of substantive text.

13 Fair to say this is an
14 introduction from John Gore, he is
15 introducing himself and asking if you have
16 time for a call, and you say yes?

17 (Witness perusing document.)

18 A. I'm sorry, sir, I don't know if
19 that's a question.

20 Q. Yes. Did I summarize that
21 fairly, John Gore writes you an e-mail
22 introducing himself, he wants to speak with
23 you and set up a call with you, and you say
24 yes?

25 A. Yes, sir.

1 Q. Is this the first time you
2 spoke to someone from the Department of
3 Justice?

4 MS. WELLS: I object to the
5 form.

6 A. I don't know. The only other
7 person that I would have -- when is this --
8 September -- the Cabinet Affairs Director
9 generally holds a chief of staff meeting
10 either every other week or weekly, so I may
11 have met somebody who works at Department
12 of Justice at that meeting, but -- should I
13 wait for you?

14 Q. No.

15 A. I may have met somebody from
16 the Justice Department, but it would have
17 been -- the only time I can think of would
18 have been at the chief of staff meeting,
19 but I don't remember a name.

20 Q. This call that you had --
21 withdrawn.

22 You did have a call with
23 Mr. Gore, didn't you?

24 MS. WELLS: I object to the
25 form.

1 A. I believe so, but I don't
2 remember.

3 Q. And the call was about the
4 citizenship question, wasn't it?

5 MS. WELLS: I object to form.

6 A. I don't remember.

7 Q. Let's have this marked as
8 Exhibit 9.

9 (Teramoto Exhibit 9 marked for
10 identification.)

11 Q. For the record, Exhibit 9 is a
12 two-page exhibit Bates stamped 2651 and 52,
13 the top of which is headed with an e-mail
14 from Danielle Cutrona to Wendy Teramoto,
15 "Re: Call."

16 A. Would you like me to read it,
17 sir?

18 Q. Let me ask you a question and
19 then you can read whatever you need to to
20 answer it.

21 Ms. Teramoto, you will see at
22 the beginning of this e-mail, at the bottom
23 of 2652, is Mr. Gore's e-mail introducing
24 you, and then at the very bottom -- and
25 there is an e-mail thread.

1 At the very bottom of 2651, he
2 says to you "By this e-mail, I introduce
3 you to Danielle Cutrona from DOJ. Danielle
4 is the person to connect with about the
5 issue we discussed earlier this afternoon."

6 Take a look at the e-mail. The
7 question I have for you is, I take it you
8 spoke with Acting Assistant Attorney
9 General Gore?

10 MS. WELLS: I'm going to object
11 to the form.

12 (Witness perusing document.)

13 A. Okay. I'm sorry, sir, what was
14 your question?

15 Q. My question was, I take it you
16 spoke to Assistant Attorney General Gore?

17 MS. WELLS: Objection to form.

18 A. I don't remember speaking to
19 him.

20 The e-mail that he sent to me
21 said Danielle is the person to connect with
22 about the issue we discussed earlier this
23 afternoon. So I have no reason to believe
24 that I did not talk to him, but I don't
25 remember speaking to him.

1 Q. Understood. And the issue that
2 you spoke with Assistant Attorney General
3 Gore about, that was about the citizenship
4 issue; is that correct?

5 MS. WELLS: I object to the
6 form.

7 A. Again, I don't remember -- I
8 don't remember speaking to John Gore.

9 Q. Higher up on the page,
10 September 17, 2017 at 12:10, Ms. Cutrona
11 e-mails you that "the Attorney General is
12 available on his cell," and then she goes
13 on to say "the AG is eager to assist."

14 Wasn't that in connection with
15 the citizenship question?

16 MS. WELLS: I object to the
17 form, lack of foundation.

18 A. I mean, I didn't -- I didn't
19 write the e-mail. You would have to ask
20 Danielle Cutrona.

21 Q. You were the recipient of the
22 e-mail; is that correct?

23 A. Well, it says to me. Again, I
24 can't see how these e-mails are sent to,
25 but I have no reason to believe I didn't

1 receive this e-mail.

2 Q. It says "Wendy," comma, at the
3 beginning of the e-mail, right? You are
4 the recipient?

5 A. Again, I agree with you, I'm a
6 Wendy. It is just frustrating that you
7 can't see who is actually -- these are
8 addressed to. I have no reason to believe
9 I didn't receive this.

10 Q. All right. And in this period
11 of time, September 18th, 2017, you would
12 have been chief of staff for the Secretary
13 of Commerce, right?

14 A. Yes.

15 Q. And you knew that the AG was
16 eager to assist with respect to the
17 citizenship question, didn't you?

18 MS. WELLS: I object to form,
19 mischaracterizes her testimony.

20 A. You would have to ask Danielle
21 Cutrona, because she is the one who wrote
22 this e-mail.

23 Q. Didn't you learn that the
24 Secretary -- I'm sorry, didn't you learn
25 that the Attorney General of the United

1 States wanted to assist with respect to the
2 citizenship question?

3 MS. WELLS: I object to the
4 form, asked and answered.

5 A. Again, I didn't write the
6 e-mail. I'm reading the exact same e-mail
7 that you are.

8 Q. My question has nothing to do
9 with the e-mail now.

10 Didn't you learn that the
11 Attorney General of the United States
12 wanted to assist Secretary Ross with
13 respect to adding a citizenship question?

14 MS. WELLS: I object to form.

15 A. Sir, I'm reading the same
16 e-mail that you are. I don't see in here
17 that it says the citizenship question. It
18 says "the AG is eager to assist." I have
19 no idea what else the Secretary and the AG
20 may or may not have been working on.

21 Q. Ms. Teramoto, for the third
22 time, my question is not about the e-mail.

23 My question is, you came to
24 learn, did you not, that the Attorney
25 General of the United States was interested

1 in assisting Secretary Ross, was prepared
2 to assist Secretary Ross with getting a
3 citizenship question added to the census,
4 can you answer that question?

5 MS. WELLS: I object to the
6 form.

7 A. I'm not trying to be difficult.
8 You keep asking me a question, and the only
9 way I would have known what the AG was or
10 was not eager to do on anything is reading
11 the e-mail.

12 I don't -- I don't know the AG.
13 So other than reading this e-mail, which
14 you don't want me to refer to, this is the
15 only sort of foundation I have.

16 Q. You have never spoken to the
17 Attorney General of the United States,
18 correct?

19 MS. WELLS: I object to form.

20 A. I believe I met him once at a
21 chief of staff meeting.

22 Q. Well, you said earlier that you
23 didn't know the Attorney General.

24 Have you spoken -- at the chief
25 of staff meeting, did you speak to him

1 about the census question?

2 A. No.

3 Q. Didn't you speak to --

4 A. And actually I don't even
5 remember, he presented to the chief of
6 staffs, I don't even -- I would have
7 probably shaken his hand, but I don't
8 remember.

9 Q. Was this one of the documents
10 you were shown in preparation?

11 MS. WELLS: I object to the
12 form. I mean, I object to the question on
13 the basis of privilege and I direct the
14 witness not to answer.

15 Q. Are you refusing to answer
16 based on the instruction of counsel?

17 A. Yes, sir.

18 Q. All right. Whether you
19 remember speaking with the Attorney General
20 of the United States or not, you knew that
21 he was working with the Secretary of
22 Commerce on adding a citizenship question
23 to the census, didn't you?

24 MS. WELLS: I object to form.

25 A. I'm not sure how to answer

1 that.

2 Q. Yes or no.

3 A. Did I know -- I would say --

4 Q. One or the other.

5 A. Could you please -- could you
6 please repeat the question?

7 Q. Sure. Whether or not you
8 recall speaking to the Attorney General,
9 you knew that the Attorney General of the
10 United States and Secretary Ross were
11 working together to add a citizenship
12 question to the census, didn't you?

13 MS. WELLS: I object to form.

14 A. I was not part of discussions
15 between the Attorney General and Secretary
16 Ross.

17 Q. Do you have that understanding
18 from any source?

19 MS. WELLS: I object to the
20 form.

21 Q. You've got to answer that.

22 A. Do I have -- could you repeat
23 it, please?

24 Q. Yeah. I have been asking you
25 didn't you know that Secretary Ross and the

1 Attorney General were working together to
2 add a citizenship question to the census,
3 and I understood you to say that you don't
4 remember being in discussions with them.

5 A. Right.

6 Q. And so my question is, did you
7 learn this from any source, whether you
8 were in discussions with them or not?

9 A. I don't remember any specific
10 discussions from others.

11 Q. All right. At the top of this
12 e-mail you say, in response to Ms. Cutrona,
13 you say "They connected. Thanks for the
14 help. Wendy."

15 I take it you are saying the
16 Attorney General and the Secretary spoke
17 with each other?

18 MS. WELLS: I object to form.

19 A. Yes, sir.

20 Q. And that e-mail is September
21 18th, 2017. Let's mark this as Teramoto
22 Exhibit 10.

23 (Teramoto Exhibit 10 marked for
24 identification.)

25 Q. For the record, this is an

1 exhibit Bates stamped 2528. It is a single
2 page and it is an e-mail from Wilbur Ross
3 to Peter Davidson, "Subject: Census."

4 It contains a single line of
5 text which reads as follows: "Wendy and I
6 spoke with the AG yesterday. Please follow
7 up so we can resolve this issue today.
8 WLR."

9 Didn't you and Secretary Ross
10 speak to the Attorney General on September
11 18th, 2017?

12 MS. WELLS: I object to form.

13 A. I don't remember being a part
14 of that call at all.

15 Q. Do you deny being part of the
16 call?

17 A. I said I don't remember being a
18 part of that call. I remember calls with
19 different cabinet members. I don't ever
20 remember being on a call with the AG.

21 Q. Can you think of any reason why
22 Mr. Ross would get this wrong just a day
23 after the call?

24 MS. WELLS: I object to form.

25 A. You would have to ask him, but

1 I don't remember being on the call with the
2 AG.

3 Q. Do you have any reason to
4 believe Mr. Ross would make up the fact
5 that you were on the call with him and the
6 Attorney General on or about September
7 18th, 2017?

8 MS. WELLS: I object to form.

9 A. You would have to ask him.
10 Again, I don't remember being on the call
11 with the AG.

12 Q. "Him" being Secretary Ross?

13 MS. WELLS: I object to the
14 form.

15 A. I don't remember being on a
16 call with the AG.

17 Q. You said you will have to ask
18 him. By "him," you meant Secretary Ross,
19 correct?

20 A. Yes, sir.

21 Q. Okay. Regardless of whether
22 you remember being on the call, isn't it
23 true that this call had to do with adding a
24 citizenship question to the census?

25 MS. WELLS: Objection to the

1 form. Asked and answered.

2 A. Sir, I don't remember being on
3 the call, so I can't tell you what was
4 discussed.

5 Q. Let's go back to Exhibit, I
6 think 9. This one. Let's go back to
7 Exhibit 9.

8 A. Okay.

9 Q. Going back to the e-mail from
10 Ms. Cutrona, toward the top of the page,
11 September 17, 2017 at 12:10, Ms. Cutrona
12 says, again, this is in the e-mail to you,
13 the one that begins "Wendy, from what John
14 told me, it sounds like we can do whatever
15 you all need us to do."

16 So John, I take it, must be
17 John Gore, because he is the one who
18 introduces Ms. Cutrona to you, and this is
19 following up on a call that Mr. Gore had
20 with you.

21 So when Ms. Cutrona says "It
22 sounds to me like we can do whatever you
23 all need us to do," what did you need for
24 the Department of Justice to do?

25 MS. WELLS: I object to form.

1 A. Again, I wasn't -- I'm not John
2 and I'm not Danielle, so I don't -- I don't
3 know what their conversation was.

4 Q. Well, I'm asking about a
5 conversation that you had with Mr. Gore.
6 Presumably she is referencing that
7 conversation.

8 Didn't you have a discussion
9 with Mr. Gore about what you at Commerce
10 needed them at DOJ to do?

11 MS. WELLS: I object to form.

12 Q. Wasn't that the purpose of the
13 call with Mr. Gore?

14 MS. WELLS: I object to the
15 form.

16 A. I think what I testified
17 earlier is I don't remember talking to John
18 Gore, and I still don't remember talking to
19 John Gore.

20 Q. Let's have this marked Teramoto
21 Exhibit 11.

22 (Teramoto Exhibit 11 marked for
23 identification.)

24 Q. All right. For the record,
25 this is a three-page exhibit. It is 2636

1 through 2638. It includes much of the
2 e-mail chain between Mr. Gore,
3 Ms. Teramoto, and Ms. Cutrona that we have
4 seen before.

5 My question is going to have to
6 do with the e-mail at the very top of this
7 chain in which someone who the government
8 tells me is you e-mails Mr. Gore and says
9 "Hi. AG and Sec spoke. Please let me know
10 when you have a minute."

11 You understand that you are the
12 sender of this e-mail, correct?

13 A. I mean, I can't see the address
14 either.

15 Q. The government has represented
16 that you are the sender.

17 A. Okay. Then okay.

18 Q. Do you accept their
19 representation?

20 A. Sure.

21 Q. So when you write "Hi. AG and
22 Sec" -- first of all, Sec means Secretary
23 Ross, right?

24 A. Sure.

25 Q. So "the Attorney General and

1 Secretary spoke. Please let me know when
2 you have a minute."

3 So certainly you know that the
4 Attorney General Sessions and Secretary
5 Ross had a conversation because you are
6 reporting that, correct?

7 MS. WELLS: I object to the
8 form. But go ahead.

9 A. My e-mail said the AG and
10 Secretary spoke, so I must have known that
11 they spoke.

12 Q. And then you say "Please let me
13 know when you have a minute."

14 Did you call -- didn't you call
15 Assistant Attorney General John Gore?

16 A. Again, to this day, again, I
17 don't ever remember speaking to him on the
18 phone.

19 Q. All right. But certainly as
20 the author of this e-mail, you would read
21 this that way, that, in other words, you
22 would read this e-mail as saying you want a
23 call with Assistant Attorney General Gore?

24 MS. WELLS: Objection to form.

25 A. Again, this is, you know, an

1 e-mail from a year ago that I'm reading to
2 you that I must have written saying "Hi.
3 AG and Sec spoke. Please let me know when
4 you have a minute."

5 Q. Right. My question to you is,
6 don't you understand that to be a request
7 for Mr. Gore to speak with you further or
8 request by you saying you would like to
9 speak with him further?

10 MS. WELLS: I object to form.

11 A. When I read this, it would be,
12 you know, let me know when you have a
13 minute.

14 Q. So that you can speak with him,
15 right?

16 MS. WELLS: I object to form.

17 A. Sure.

18 Q. And what did you speak with him
19 about?

20 A. Again, I don't ever remember
21 speaking to John Gore.

22 Q. You get that adding the
23 citizenship question to the census is an
24 important matter, don't you, Ms. Teramoto?

25 MS. WELLS: I object to the

1 form of the question.

2 A. I'm not sure, when you say
3 important, are you asking me?

4 Q. Yeah.

5 A. If I -- look, I mean, I can
6 understand why there is a discussion about
7 it.

8 Q. Do you agree that it is an
9 important matter?

10 A. Sure.

11 Q. It's not a surprise to you that
12 there are all these lawsuits around the
13 country about adding a citizenship question
14 to the census, is it?

15 MS. WELLS: I object to form.

16 A. I'm always surprised actually
17 how many lawsuits there are about
18 everything in this country.

19 Q. You're not surprised that it is
20 a matter of controversy, of national
21 controversy, the Secretary deciding to add
22 a citizenship question to the census?

23 MS. WELLS: I object to form.

24 Q. Are you?

25 MS. WELLS: I object to the

1 form.

2 A. I am not surprised that there
3 is this amount of litigation, because there
4 is a lot of litigation in this country.

5 Q. All right. Being that the
6 citizenship question is, certainly, even
7 according to you, a matter of importance,
8 is there a reason you don't remember being
9 involved in calls with Secretary Ross, the
10 Attorney General, Assistant Attorney
11 General Gore, Ms. Cutrona of the Department
12 of Justice, is there a reason you don't
13 recall being involved in these calls about
14 adding the citizenship question to the
15 census?

16 A. Sure.

17 MS. WELLS: I object to form.
18 Go ahead.

19 Q. What's the reason?

20 A. I guess, you know, do you have
21 an understanding of what Commerce does and
22 how big Commerce is and all the issues that
23 Commerce deals with? I think if one does,
24 one would understand that there are a lot
25 of things that are important that Commerce

1 does.

2 This is just one, you know,
3 census is very important, but it is just
4 one department, one area, that, again, I
5 was not involved in because of the
6 scientific and technical nature of it, I'm
7 not the best person to be involved in the
8 day-to-day workings on census.

9 Q. Since you're not the best
10 person to be involved, why are you
11 involved? Why is it that Secretary Ross
12 thinks you are in a phone conversation
13 between him and the Assistant -- I'm sorry,
14 between him and the Attorney General of the
15 United States, why are you talking to
16 Assistant -- Acting Assistant Attorney
17 General Gore, why are you talking to
18 Danielle Cutrona, and why are you talking
19 to them about the census and the
20 citizenship question?

21 MS. WELLS: I object to form.

22 A. Can you please read them back
23 one at a time so I can answer them?

24 Q. I will withdraw the question.

25 You say you weren't the best

1 person to be involved with census issues.

2 A. And I'm still not.

3 Q. I hear you on that, which is
4 why I'm asking, so if you're not the best
5 person to be involved, why is it that the
6 documents make it seem like you were
7 involved in speaking to the Assistant
8 Attorney General of the United States about
9 this, the Acting Assistant Attorney
10 General, and the Attorney General of the
11 United States?

12 MS. WELLS: I object to form.

13 A. You are asking me. I think you
14 have to ask John Gore why he reached out to
15 me. I can't answer why John Gore reached
16 out to Wendy Teramoto.

17 Q. Was someone in the Department
18 of Commerce the Secretary's point person on
19 the citizenship question in this period?

20 A. I wouldn't characterize it like
21 that. There was Karen Dunn Kelley, where
22 census falls under her group, so she would
23 have been the point for the census issues.

24 Q. Do you have an understanding as
25 to why these calls don't go to Karen Dunn

1 Kelley?

2 A. My best guess is I don't know
3 when -- Karen didn't come into the
4 Administration until later.

5 Q. All right. So she wouldn't
6 have been the point for this at this point
7 in time?

8 A. Again, I don't know when she
9 came in. I can look. It looks like you
10 have another e-mail with her on this.

11 So here on Exhibit Teramoto 5,
12 it is Bates number 0001411, there is an
13 e-mail from Karen Dunn Kelley on August
14 29th. So at that point she would have been
15 part of it. You know, how long she had
16 been there and if people knew that she was
17 there in the other departments, probably
18 not.

19 Q. All right. If she is not the
20 point person at this point in time, who is?

21 A. At Commerce?

22 Q. Yes.

23 A. Earl, Earl Comstock.

24 Q. Anyone besides Earl?

25 A. I mean, the main people, you

1 know, who I always think about when we talk
2 about census is either Karen or Earl.

3 Q. Let's go back to Teramoto
4 Exhibit 1. I think you have in front of
5 you.

6 A. Then you have Peter Davidson,
7 too, sir.

8 Q. Peter Davidson is general
9 counsel for Commerce?

10 A. Yes, sir.

11 Q. Are you saying he was a point
12 person?

13 A. You said was involved, I
14 believe. So I don't know if there was
15 exactly one person. There was, you know,
16 those are the people who I would say were
17 most likely involved.

18 Q. Let's go back to Teramoto
19 Exhibit 1.

20 A. Sure.

21 Q. You can put the other document
22 aside.

23 You testified earlier this
24 morning that you had never seen this
25 before.

1 A. That's correct.

2 Q. You are the chief of staff. Do
3 you have an understanding why you wouldn't
4 have seen this document?

5 A. There is plenty of documents I
6 don't see. The volume of documents that
7 are created at Commerce is mind-boggling.

8 Q. This is an important document,
9 isn't it?

10 MS. WELLS: I object to the
11 form.

12 A. There is lots of important
13 documents.

14 Q. You recall -- withdrawn.
15 You know that after Secretary
16 Ross issued this supplemental memorandum
17 dated June 21, 2018 that members of
18 Congress wrote him a letter saying that he
19 had misled them in sworn testimony about
20 the citizenship question, you knew that,
21 right?

22 MS. WELLS: I object to form.

23 A. I mean, I'm taking your word
24 for it.

25 Q. I'm asking you whether you know

1 it. You are the chief of staff. You
2 certainly know that, right?

3 MS. WELLS: I object to the
4 form.

5 A. I remember there being some
6 discussion. I don't ever remember reading
7 any of the correspondence.

8 Q. You remember that members of
9 Congress having received this June 21, 2018
10 memorandum from Secretary Ross, you
11 remember that they accused Secretary Ross
12 of having given them misleading testimony;
13 is that right?

14 MS. WELLS: I object to the
15 form.

16 A. Again, I've heard that, but I
17 haven't actually read if there has been
18 correspondence. I have not read any direct
19 correspondence.

20 Q. I'm curious, you are the chief
21 of staff. If members of Congress, and this
22 is multiple members of Congress, accuse the
23 Secretary of not being candid with them in
24 sworn testimony, that's not something you
25 want to read?

1 MS. WELLS: I object to the
2 form.

3 Q. You don't say to somebody, get
4 me that letter from Congress?

5 MS. WELLS: I object to the
6 form. Go ahead.

7 A. There are many important
8 letters and correspondence throughout all
9 of the different departments in Commerce.
10 I'm not physically able to read every
11 single one, I'm just not, sir.

12 Q. I believe that. But when you
13 hear that members of Congress have written
14 a letter accusing the Secretary of not
15 being candid with them, you don't say to
16 somebody I would like to see a copy of that
17 letter?

18 A. No.

19 Q. Have I got that right? No?

20 MS. WELLS: I object to the
21 form. Asked and answered.

22 A. That's correct.

23 Q. It doesn't appear to be showing
24 up on the transcript. I heard you to say
25 no. Did I hear that right?

1 MS. WELLS: I object to the
2 form, and it also mischaracterizes the
3 testimony, I believe.

4 Q. I'm characterizing the
5 transcript, which I'm looking at.

6 A. I have not specifically asked
7 for this letter that you're talking about.

8 Q. I take it you haven't asked for
9 it generally either?

10 A. I don't know what you mean,
11 generally.

12 Q. You said specifically. I don't
13 know if you are meaning to exclude
14 something.

15 A. I'm not a lawyer, so all I'm
16 saying is I have not asked for it.

17 Q. Okay. I know you haven't seen
18 this before today, but I want to point you
19 to something just so we can have a
20 framework.

21 Sort of almost halfway down the
22 first paragraph of Teramoto Exhibit 1,
23 Secretary Ross says that with respect to
24 the fundamental issues regarding the
25 census, he says "Part of these

1 considerations included whether to
2 reinstate a citizenship question which
3 other senior Administration officials had
4 previously raised."

5 Do you know who the other
6 senior Administration officials are?

7 A. I have no idea.

8 Q. Who would know?

9 A. You would have to ask Secretary
10 Ross.

11 Q. I will represent to you that
12 the Commerce Department, through its
13 lawyers at the Department of Justice, said
14 they can't figure out the answer to this
15 question.

16 Do you have reason to believe
17 that the identity of the senior
18 Administration officials is some kind of
19 state secret?

20 MS. WELLS: I object to the
21 form of the question.

22 A. Are you being serious?

23 Q. Yeah. I'm, frankly, shocked
24 that the Commerce Department and the United
25 States Justice Department can't figure out

1 who these senior Administration officials
2 are.

3 So I'm asking you, is this some
4 kind of state secret?

5 MS. WELLS: I object to the
6 form of the question and also --

7 Q. Is it any kind of secret? You
8 can withdraw "state."

9 MS. WELLS: -- the
10 characterization of what the government has
11 said in connection with the request for the
12 information that you have presented in your
13 interrogatory.

14 But you can answer the
15 question, if you remember it.

16 THE WITNESS: I don't. Can you
17 please read it back?

18 Q. I will rephrase it.

19 A. Okay.

20 Q. Can you think of any reason why
21 the identity of the senior Administration
22 officials who had raised the citizenship
23 question to whom Mr. Ross refers, can you
24 think of any reason why this is secret or
25 why we can't know the answer to who those

1 people are?

2 MS. WELLS: I object to form.

3 A. I have no idea.

4 Q. I take it you have not heard
5 any discussion of that issue?

6 A. Of the issue of the senior
7 Administration officials?

8 Q. Yeah.

9 A. Right, I have not.

10 Q. You have not been -- you have
11 not been asked to find out the answer to
12 that question?

13 A. I have not been a part of it at
14 all. You are the first person who has
15 raised it with me.

16 Q. Still on Teramoto Exhibit No.
17 1, when Secretary Ross says that soon after
18 his appointment as Secretary of Commerce,
19 he starts to have considerations into
20 whether to reinstate a citizenship
21 question, have you seen any documents about
22 that of any kind, e-mails, scraps of paper,
23 memoranda?

24 A. Where are you, sir?

25 Q. So second sentence is "Soon

1 after my appointment as Secretary of
2 Commerce, I began considering various
3 fundamental issues regarding the upcoming
4 2020 census, including funding and
5 content."

6 Then he says, the next sentence
7 says "Part of these considerations included
8 whether to reinstate a citizenship question
9 which other senior Administration officials
10 had previously raised."

11 My question to you is, have you
12 seen -- so he is talking about a period
13 starting soon after his appointment as
14 Secretary of Commerce.

15 So I'm asking, have you seen
16 any documents, any memoranda, any e-mail,
17 scraps of paper, what have you, about the
18 Secretary's consideration of whether to
19 reinstate a citizenship question? Have you
20 seen any such documents?

21 A. Outside of what you provided me
22 here?

23 Q. Correct.

24 A. No.

25 Q. Did you ever hear or be told

1 that with respect to whether to add a
2 citizenship question, people should delete
3 or destroy documents?

4 MS. WELLS: I object to the
5 form.

6 Q. Did you ever hear that?

7 A. No.

8 Q. How about that they shouldn't
9 write things down, did you ever hear
10 anything like that?

11 A. No.

12 Q. Do you ever use a personal
13 e-mail address to communicate on government
14 business?

15 A. No.

16 Q. Do you have a personal e-mail?

17 A. Sure.

18 Q. How about a personal text
19 messaging app, do you ever use a personal
20 text messaging app to communicate on
21 government business?

22 A. Not that I'm aware. I try and
23 keep everything on my government phone,
24 texting and e-mails.

25 Q. Yeah, actually, that raised a

1 great question.

2 When you started at the
3 Commerce Department, did someone give you a
4 briefing as to how you were supposed to
5 communicate and the importance of saving
6 those materials?

7 A. Did someone give me a briefing?
8 I mean, I don't remember specifically, but
9 in general, you know, all the sort of
10 government work should be done on your
11 government phone and devices.

12 Q. And retained, correct?

13 A. Sure. Well, my understanding
14 is that, I mean, even in your personal
15 e-mails, everything is retained somewhere
16 for life.

17 Q. Were you given any briefing
18 about the Federal Records Act and the
19 record retention requirements of the
20 Federal Records Act?

21 A. Not specifically, but, again,
22 my understanding is that any e-mails that
23 are sent using your government device is
24 saved somewhere for eternity.

25 Q. Have you ever used a private

1 messaging app such as Signal, Confide or
2 WhatsApp?

3 A. No.

4 Q. Do you know what those are?

5 A. I have heard of WhatsApp, but I
6 don't know, what are the other ones?

7 Q. To your knowledge, does
8 Secretary Ross --

9 A. I'm sorry, what were the other
10 ones?

11 Q. Oh, I'm sorry, the other ones
12 were Signal or Confide.

13 A. No.

14 Q. To your knowledge, does
15 Secretary Ross use a personal e-mail to
16 communicate for government business?

17 A. I know that he uses his
18 government account.

19 Q. My question is, does he ever
20 use a personal account?

21 A. I don't know. He has a
22 personal account. You would have to ask
23 him.

24 Q. And has Secretary Ross ever
25 used text messaging on a personal -- on a

1 personal device or personal account to
2 conduct government business?

3 A. For as long as I have known
4 him, I have never received a text message
5 from him.

6 Q. And, to your knowledge, does
7 Secretary Ross use a private messaging app
8 such as Signal, Confide, or WhatsApp?

9 A. I think he would be like me and
10 not know how to use them.

11 Q. Did you participate in any
12 briefings during the Trump Administration's
13 transition phase?

14 MS. WELLS: I object to the
15 form.

16 A. The only briefing that I can
17 remember was -- I believe it was after the
18 Secretary's hearing, he met with, I don't
19 know if they call it the transition or the
20 landing team. I don't know, they call it
21 one of those things. And we met in a room
22 with some of the people who were part of
23 the transition team for Commerce.

24 So if that was considered a
25 briefing, that's the only one that I would

1 have participated in.

2 Q. Was there any discussion of the
3 census or citizenship question issues at
4 that meeting?

5 A. Not that I remember.

6 Q. Did you have any discussions
7 during the transition phase concerning the
8 census or citizenship questions?

9 A. Census might have come up just
10 in terms of it being, you know, one of the
11 big departments that had a big budget, that
12 once he was confirmed, needed to get your
13 arms around, but I don't remember anything
14 on the citizenship question.

15 Q. Before you became chief of
16 staff, did you have a predecessor in that
17 position?

18 A. Meaning was there a chief of
19 staff before me?

20 Q. Exactly.

21 A. For Wilbur?

22 Q. Correct.

23 A. No, there wasn't.

24 Q. Did you have any discussions
25 with the White House about the census and

1 the citizenship question?

2 A. When you say -- what do you
3 mean, White House?

4 Q. White House personnel, people
5 who work, you know, are on the White House
6 staff, the President's staff, as opposed to
7 Cabinet staff, for example, as opposed to
8 Agency staff.

9 A. Not that I remember.

10 Q. Did you talk to Stephen Miller
11 at all about census questions?

12 A. No.

13 Q. Did you talk to Stephen Miller
14 ever?

15 A. Sure.

16 Q. What do you talk to him about?

17 MS. WELLS: I object to the
18 form.

19 A. With Stephen Miller, I don't
20 remember specifically, but it was more
21 related to trade discussions.

22 Q. You never spoke to him about a
23 citizenship question?

24 A. No.

25 Q. How about Andrew Bremberg?

1 A. No.

2 Q. No, you never spoke to him?

3 A. I mean, I know who he is. I
4 might have said hi to him, but I don't
5 think I have ever had a conversation more
6 than hi.

7 Q. And certainly not about
8 citizenship questions?

9 A. I don't think he knows who I
10 am.

11 Q. And certainly you never spoke
12 to him about citizenship questions?

13 A. No.

14 Q. How about John, I will probably
15 pronounce this wrong, Zadrozny,
16 Z-a-d-r-o-z-n-y?

17 A. I don't know who he is.

18 Q. So you never spoke to him?

19 A. No. Or unless I said hi to him
20 in the hallways and I don't know who he
21 was, but I don't know who that is.

22 Q. When you say in the hallways,
23 do you mean at the White House, do you
24 mean at the Census --

25 A. Yes. I have never been to the

1 Census Department or Bureau or building.

2 Q. I meant the Commerce. Okay.

3 So how often are you at the White House?

4 A. It depends. Sometimes I'm
5 there, you know, every day, sometimes it
6 will be a week that I'm not there.

7 Q. Did you ever speak to Steve
8 Bannon on any occasion?

9 MS. WELLS: Objection, asked
10 and answered.

11 A. Yes.

12 Q. What about?

13 A. Hello.

14 Q. So your testimony, you have
15 never had a substantive discussion with
16 Mr. Bannon?

17 A. I mean, I've had idle chitchat
18 on a plane with him, but that was about it.

19 Q. So no substantive discussion?

20 A. No.

21 Q. Certainly nothing about the
22 census or citizenship?

23 A. No, no.

24 Q. Did you ever speak with -- have
25 you ever spoken with President Trump?

1 A. Yes, I have spoken with him.

2 Q. What about?

3 A. Hi, nice to meet you, sir.

4 Q. Did you ever have a substantive
5 discussion with President Trump?

6 A. I have been in the room when
7 there have been substantive conversations,
8 but I would not say I was -- well, I would
9 say I was in the room, but I was not
10 participating in the discussion.

11 Q. Were any of these -- did you
12 ever -- were you ever present for a
13 discussion including President Trump that
14 concerned the census or citizenship
15 questions?

16 A. No.

17 MR. GERSCH: Let's take a break
18 now and then we'll come back.

19 THE VIDEOGRAPHER: The time is
20 11:30 a.m. and this marks the end of media
21 unit number two.

22 (Recess taken.)

23 THE VIDEOGRAPHER: The time is
24 11:46 a.m. and this begins media unit
25 number three.

1 BY MR. GERSCH:

2 Q. We are back on the record,
3 Ms. Teramoto.

4 I want to return to a topic
5 that I had asked you about earlier and make
6 sure that to the extent I drew an objection
7 from counsel, that I've framed this in
8 various ways so as to see if we can avoid
9 the objection.

10 When you prepared for this
11 deposition, did you review documents?

12 A. Yes.

13 Q. And were any of the documents
14 you reviewed the documents that are marked
15 as exhibits today?

16 MS. WELLS: I object, and I'm
17 going to direct the witness not to answer
18 on the basis of attorney-client and
19 attorney work product privilege.

20 MR. GERSCH: Counsel, I'm going
21 to say that my understanding in the
22 Southern District of New York is that the
23 privilege doesn't cover the answer to that
24 question.

25 I'm going to move on. I'm

1 going to provide you with a copy of a case,
2 and at the next break let's see if we can
3 resolve that issue.

4 MS. WELLS: Okay, thank you.

5 Q. I'm going to show you what I'm
6 going to mark Teramoto Exhibit No. 12.

7 (Teramoto Exhibit 12 marked for
8 identification.)

9 Q. For the record, Teramoto
10 Exhibit No. 12 is the March 26th, 2018
11 decisional memo from Secretary Ross to
12 Karen Dunn Kelley regarding reinstatement
13 of the citizenship question on the 2020
14 decennial census questionnaire, beginning
15 on page Bates stamp 1313 and ending on the
16 page Bates stamped 1320.

17 The only question for you at
18 this time I have is, have you seen this
19 document before today?

20 A. No.

21 Q. Did you hear that at some point
22 the Secretary had issued a decisional
23 memorandum regarding the census --
24 regarding adding a citizenship question to
25 the census?

1 A. Did I hear that he --

2 Q. -- had issued a decisional
3 memorandum regarding adding a citizenship
4 question to the census?

5 A. I don't know if that's the
6 right verb. I knew that there -- I have
7 heard that there was a decision memo.

8 Q. Okay. But you had not seen it
9 in the ordinary course of your work?

10 A. No. Again, because I'm not
11 involved in the details of census.

12 Q. And putting aside whether you
13 had seen it, did you understand or come to
14 understand that the decisional memorandum
15 says the impetus for the question comes
16 from the Department of Justice?

17 MS. WELLS: I'm going to object
18 to the form of the question. You can
19 answer.

20 A. I don't actually -- I don't
21 understand the question.

22 Q. Sure. I will rephrase it.

23 A. Okay.

24 Q. Did you understand from any
25 source that when Secretary Ross issued his

1 memorandum explaining his decision, the
2 decisional memorandum, that he said he was
3 adding a citizenship question because of a
4 request from the Department of Justice?

5 MS. WELLS: I object to form.

6 A. That is my general knowledge.
7 Now, if there is a technical thing, legal
8 thing in there, you know, that's not -- I
9 wouldn't be familiar, but that's my
10 understanding.

11 Q. Didn't you understand that the
12 reason the Department of Justice asked for
13 the addition of the citizenship question is
14 because Secretary Ross asked the Department
15 of Justice to ask for the citizenship
16 question?

17 MS. WELLS: I object to form.

18 A. I have no idea. I'm not
19 involved with the Department of Justice, so
20 I don't understand how their decisions are
21 made.

22 Q. This is a question more about
23 Secretary Ross.

24 A. Okay.

25 Q. Didn't you understand that the

1 reason that the Department of Justice asked
2 the citizenship question is because
3 Secretary Ross asked the Department of
4 Justice to ask the citizenship question?

5 MS. WELLS: I object to form.

6 A. I'm sorry if I don't understand
7 your question, but when you ask it to me,
8 it makes it sound like you are asking me if
9 I understand why the Justice Department did
10 something, and, again, I have no idea how
11 the Justice Department works, so I can't
12 tell you why they do or do not do anything;
13 I'm sorry, I just don't.

14 Q. Do you understand from any
15 source that Secretary Ross went to the
16 Department of Justice and asked them to ask
17 for a citizenship question on the census?

18 A. Again, I don't know what direct
19 conversations the Secretary has had with
20 the Justice Department.

21 Q. You haven't heard about that
22 from any source?

23 A. Heard about what?

24 Q. That Secretary Ross went to the
25 Department of Justice and asked the

1 Department of Justice to please request the
2 addition of a citizenship question.

3 A. I have no recollection of the
4 Secretary ever going to the Department of
5 Justice.

6 Q. Including you have no
7 recollection of the Secretary talking to
8 Assistant Attorney -- I'm sorry, to
9 Attorney General Jeff Sessions about that?

10 A. No, that's not what I said.

11 Q. I know. That's a different
12 question.

13 A. Okay. Can you ask your new
14 question, please?

15 Q. Yes.

16 You understand that Attorney
17 General Jeff Sessions spoke to Secretary
18 Ross about asking a citizenship question on
19 the census?

20 MS. WELLS: I object to the
21 question, the form of the question.

22 A. From the e-mails, I can see
23 that the Secretary and the AG spoke. What
24 they spoke about, I don't know, because, as
25 I said, I have no recollection of ever

1 being on a call between the two of them.

2 Q. Did you learn from any source
3 that the Department of Commerce had made a
4 decision in connection with the decisional
5 memorandum not to let Congress and the
6 public know that it was the Secretary who
7 wanted the Department of Justice to add the
8 citizenship question?

9 Withdrawn. Let me rephrase
10 that.

11 A. Okay.

12 Q. Did you learn from any source
13 that the Department of Commerce had made a
14 decision in connection with the decisional
15 memorandum not to let Congress and the
16 public know that it was the Secretary who
17 went to the Department of Justice, and it
18 was the Secretary, the Secretary of
19 Commerce, that is, who pressed the
20 Department of Justice to ask for a
21 citizenship question?

22 A. Sir, I'm not trying to be
23 difficult. Can you shorten your questions,
24 because there is a lot of notes and --

25 Q. Sure.

1 So the question is, did you
2 learn from any source --

3 A. Okay, so did I learn from any
4 source?

5 Q. Right, that the Commerce
6 Department --

7 A. Okay.

8 Q. -- didn't want Congress or the
9 public to know that the Secretary of
10 Commerce --

11 (Telephonic interruption.)

12 Q. Let's take it -- for the
13 record, we have had a little interruption.
14 Let's just take it from the top.

15 A. Okay.

16 Q. So the first part was, did you
17 learn from any source; you are with me on
18 that, right?

19 A. Yes.

20 Q. And the second part was that
21 the Commerce Department didn't want the
22 Congress or the public to know that it was
23 Secretary Ross who went to the Department
24 of Justice and asked the Department of
25 Justice to request the citizenship

1 question.

2 A. I have not heard from any
3 source that the Commerce Department did not
4 want Congress or the public to know.

5 Q. Have you heard of any
6 discussion even touching that subject?

7 A. Not that -- not that I can
8 remember. I mean, again, sir, I'm not
9 involved in the detailed discussions on
10 census. I'm not involved in the meetings.

11 Q. I take it Secretary Ross never
12 said to you, in words or in substance, I'm
13 not going to tell Congress that I was the
14 one who went to the Department of Justice
15 and asked for the citizenship question?

16 A. Secretary Ross has never said
17 that to me.

18 Q. Do you remember any discussion
19 with Secretary Ross about the citizenship
20 question?

21 A. I don't remember having any
22 direct conversations with him on it.

23 Q. Is it your best recollection
24 that you had no such conversations, or are
25 you saying there were, but you don't

1 recall?

2 A. I'm saying I don't remember
3 having any direct conversations with the
4 Secretary on the question.

5 Q. Do you believe that you had
6 some?

7 A. Again, I don't remember having
8 any direct conversations with him on the
9 citizenship question.

10 Q. My question is a little
11 different. I'm not asking for your memory
12 now.

13 I'm asking for whether you
14 think you had some, for example, I can
15 think of lots of conversations that I have
16 had with my spouse, with my children, on
17 certain subjects, but I can't remember the
18 conversations, I just know I had them.

19 So I'm asking in that context,
20 do you believe you had conversations
21 with --

22 A. I don't think we did.

23 Q. Let me just finish the
24 question.

25 A. I'm sorry.

1 Q. I have your answer. Let me
2 just finish the question.

3 Do you believe you had?

4 A. I don't believe I have.

5 Again, again, I'm not the
6 census person, so if there is issues
7 related to census, I'm not the first person
8 or even the second or third, fourth, fifth
9 person that I believe the Secretary would
10 call.

11 Q. Let me follow up on the last
12 question.

13 Does anyone at the Commerce
14 Department, to your knowledge, have a
15 longer relationship with the Secretary?

16 A. Not that I'm aware of.

17 Q. Do you believe you have a
18 relationship of trust with the Secretary?

19 A. I would hope so.

20 Q. Do you believe anyone else has
21 a better relationship of trust with the
22 Secretary at Commerce, anyone at Commerce?

23 A. I mean, you would have to ask
24 the Secretary who he trusts the most.

25 Q. You're not aware of anyone

1 else?

2 A. I can't speak for who the
3 Secretary trusts or doesn't trust.

4 Q. Besides yourself, is there
5 anyone else the Secretary uses as a close
6 advisor on issues of importance?

7 MS. WELLS: I object to the
8 form.

9 Q. I will withdraw the question.
10 Is there anyone the Secretary
11 uses as a close advisor on questions of
12 importance and sensitivity?

13 MS. WELLS: I object to the
14 form.

15 A. Sure, yes.

16 Q. Who are those people?

17 A. Karen Dunn Kelley, Earl
18 Comstock.

19 Q. Anyone else?

20 A. I mean, I would say those are
21 the immediate ones. There is other people.
22 I mean, if it is something related to
23 patents, he would speak to Andre Iancu.
24 There is the Under Secretary Gil Kaplan,
25 Matt Borman.

1 Q. How about people outside of
2 Commerce, is there anyone outside of
3 Commerce that the Secretary likes to talk
4 to about important issues?

5 MS. WELLS: I object to the
6 form.

7 Q. For advice.

8 A. On anything?

9 Q. On matters relating to
10 Commerce.

11 A. Well, sure. I mean, a lot of
12 the -- I would say a wide majority of the
13 Secretary's time is spent on the trade
14 issues as well as the tariffs and the 232s
15 on steel and aluminum.

16 Q. How about on census, are there
17 people outside of the Commerce Department
18 that the Secretary turns to for advice on
19 either the citizenship question or on the
20 census generally?

21 A. If he goes outside of Commerce,
22 you know, other than, you know, he has
23 spoken to Marc Neumann, but anybody else, I
24 wouldn't know, unless there are other
25 people at the transition that talked to him

1 about it, but I wasn't part of the
2 transition team, so I wouldn't know.

3 Q. If someone -- why Marc Neumann?
4 Let me come back to him.

5 A. Sure. I think as I stated
6 before, Marc Neumann was part of the
7 transition team who used to work at -- I
8 think he worked at Census, so he was the
9 one who would brief the Secretary just on
10 census during the transition.

11 Q. In that summer of 2017 and
12 going to September when we saw those
13 e-mails between you and Assistant Attorney
14 General Gore and the other e-mails on those
15 chains, if someone had come to you then and
16 said Ms. Teramoto, I need -- I have got an
17 important issue that I want to talk to you
18 about regarding adding a citizenship
19 question, who would you have put them in
20 touch with?

21 MS. WELLS: I object to the
22 form.

23 A. Well, I mean, I think I did put
24 them in touch with Izzy Hernandez.

25 Q. And what was his position?

1 A. He was the deputy chief of
2 staff.

3 Q. Did he have any special, you
4 know, was the census question, citizenship
5 question on the census, was that something
6 that he had particular responsibility for?

7 A. I mean, I don't know. He
8 worked on the census.

9 Q. You said he was deputy chief of
10 staff. I take it that meant he reported to
11 you?

12 A. Sure.

13 Q. So when he worked on the
14 census, was that because you assigned it to
15 him?

16 A. I don't remember how that came
17 about. I don't know if he said he wanted
18 to work on it or if I said we need somebody
19 to work on it. I'm not sure which one.

20 Q. Did you hire Mr. Hernandez or
21 play a role in his hiring?

22 A. Yeah. I had met -- I had met
23 Izzy during the transition and he had
24 helped the Secretary through his
25 confirmation process.

1 Q. What was his background?

2 A. Prior to Commerce, he was
3 working in California, it was Facebook or
4 Google or one of those companies, I don't
5 remember which one, and then prior to that
6 he had actually worked at Commerce
7 during -- sorry, should I continue?

8 Q. Yes.

9 A. He had worked at Commerce
10 during the Bush Administration, but I don't
11 remember the exact role that he had.

12 Q. Did you ever have a discussion
13 with Mr. Hernandez about the citizenship
14 question?

15 A. No.

16 Q. Insofar as he worked on the
17 census, did Mr. Hernandez report those
18 issues to someone other than yourself?

19 MS. WELLS: I object to the
20 form. Go ahead.

21 A. I don't know, and I actually
22 don't remember him reporting anything to
23 me.

24 Q. Right. My question is, to the
25 extent that he was dealing on census

1 issues, did he go to someone else other
2 than you?

3 And I ask that in the context
4 of your saying you don't remember him
5 coming to you, so my question is, would he
6 go to somebody else, would he go directly,
7 for example -- let's ask it this way:

8 Would he go directly to the
9 Secretary on census issues?

10 A. He may have. Again, I don't
11 know. I just don't know.

12 Q. Would you have some kind of
13 regular meeting with the Secretary to go
14 over important pending issues?

15 A. Me personally or the
16 department?

17 Q. Let's start with you, and then
18 we will move to the department.

19 A. I would not -- I don't have
20 sort of a standing meeting time with him.
21 If something sort of comes up, depending on
22 its urgency, then I will just sort of
23 insert myself into the calendar. But there
24 is no standing time that I speak to him.

25 Q. How about some group of senior

1 staff people, is there a regular meeting
2 with the Secretary that you participate in?

3 A. There used to be, we haven't
4 had them in a while, we used to try and
5 have meetings of the bureau heads with the
6 Secretary to go through, and the
7 departments, any sort of major issues that
8 they would be grappling with.

9 Q. I guess I should restrict my
10 question to Commerce, senior officials in
11 Commerce, was there a regular meeting that
12 the Secretary would have with senior
13 Commerce officials?

14 A. Yeah, I'm sorry, that's what I
15 was talking about. So the department
16 heads, so there is NOAA, there is Census,
17 there is Patent, there is BIS, there is a
18 whole bunch of them, we haven't had them in
19 a while, but we tried to install sort of a
20 weekly meeting where the department heads
21 would all come in and sort of give an
22 update to the Secretary.

23 Q. Who would come for the Census?
24 Would that be someone from the Census, or
25 would it be Karen Dunn Kelley or someone

1 else?

2 A. I don't remember, to be honest.

3 Q. Did someone take notes of these
4 meetings?

5 A. I mean, people may take their
6 own individual notes. There was no
7 assigned note-taker.

8 Q. Here is what I would like to
9 get a feel for, if you could help me with
10 this.

11 So in a lot of organizations,
12 there would be somebody who would say,
13 particularly in a business organization,
14 okay, these are our priorities for the --
15 well, there might be long-term priorities,
16 but then there would be short-term
17 priorities like we need to get this
18 accomplished in the next week, day, month.

19 Did someone keep track of --
20 did someone keep track of what the
21 short-term priorities were?

22 A. Well, there is -- I mean, there
23 is no sort of tracking system in the office
24 of the Secretary of sort of this, you know,
25 the immediate versus long-term goals, but

1 the department heads clearly have sort of
2 the current issues that they are working
3 on, and then, you know, things that they
4 are always sort of working on.

5 So, you know, depending on what
6 it is, and, you know, there is updates to
7 the Secretary on what's happening in the
8 departments.

9 Q. Was there someone who was
10 supposed to give the Secretary updates
11 about adding a citizenship question to the
12 census?

13 MS. WELLS: I object to form.

14 A. I don't believe there has been
15 an appointed person on that.

16 Q. Well, is there someone who does
17 it, whether they are appointed or not?

18 A. Not that I'm aware of.

19 Q. I neglected to ask you one
20 question about the documents you looked at
21 in preparation for the deposition, and I
22 will ask it slowly so your counsel can
23 decide whether they are going to object or
24 not.

25 Did any of the documents you

1 reviewed have Bates stamp numbers on them?

2 MS. WELLS: You can answer
3 that.

4 A. I don't remember.

5 MR. GERSCH: It is 12:10. I
6 may be done. In part, it depends on your
7 review of the -- and, for the record, I'm
8 speaking to counsel now -- counsel's review
9 of the case that I provided them with, and
10 I understand that other counsel probably
11 have some questions, much fewer than my
12 questions --

13 MS. WELLS: Is it possible to
14 quantify how much time, I don't know if
15 this is a discussion you want to have on
16 the record, but the witness would prefer --

17 MR. GERSCH: Let's go off the
18 record.

19 THE WITNESS: I don't need to
20 have lunch. So I'm happy to keep going
21 and --

22 THE VIDEOGRAPHER: The time is
23 12:11 p.m. and this marks the end of media
24 unit number two.

25 (Luncheon recess: 12:11 p.m.)

1 A F T E R N O O N S E S S I O N

2 1:04 p.m.

3 W E N D Y T E R A M O T O, resumed.

4 THE VIDEOGRAPHER: The time is
5 1:04 p.m. and this begins media unit number
6 four.

7 CONTINUED EXAMINATION

8 BY MR. GERSCH:

9 Q. All right, we are back on the
10 record.

11 Counsel and we have had a
12 discussion off the record about the scope
13 of the work product and attorney-client
14 privilege, and based on that conversation
15 I'm going to ask some additional questions
16 about the documents that the witness may
17 have reviewed in preparation for this
18 deposition.

19 Ms. Teramoto, I'm going to show
20 you -- I show you again a copy of Teramoto
21 Exhibit 2.

22 Did you review that document in
23 preparation for this deposition?

24 A. I don't know if it was this
25 exact one, but a version of it looks

1 familiar.

2 Q. And did you see a version of it
3 with some of the -- some or all of the
4 black redaction marks?

5 A. No.

6 Q. You can put that aside. I show
7 you Teramoto Exhibit 3 again.

8 Did you review that document in
9 preparation for this deposition?

10 A. I don't remember. I don't
11 remember.

12 Q. I will show you what has been
13 marked Teramoto Exhibit 4.

14 Did you review that document in
15 preparation for this deposition?

16 A. I don't think so.

17 Q. I show you what has been marked
18 Teramoto Exhibit 5.

19 Did you review that document in
20 preparation for this deposition?

21 A. I do not believe so.

22 Q. Roughly how many documents did
23 you review in all?

24 A. Ten or under.

25 Q. I show you what has been marked

1 as Teramoto Exhibit 6.

2 Did you review that document in
3 preparation for your deposition?

4 A. I don't think so.

5 Q. I show you what has been marked
6 Teramoto Exhibit 7.

7 Did you review that document in
8 preparation for your deposition?

9 A. Some version of this.

10 Q. Did you see a version that
11 didn't contain -- did you see a version
12 that didn't contain some or all of the
13 redaction marks?

14 A. No.

15 Q. I will show you what has been
16 marked Teramoto Exhibit 8.

17 Did you see that document in
18 preparation for your deposition?

19 A. Some -- actually, well, when I
20 say some version, again, the way that these
21 e-mails are, I might have seen something
22 that had a subset of it, but I don't know
23 if it's the whole e-mail chain.

24 Q. These are the documents that --

25 A. Yeah.

1 Q. Go ahead.

2 A. Again, I don't know if it was
3 this exact document production, but it
4 could have been a version, I don't know how
5 they are generated, so do you get this as
6 one document production and the next e-mail
7 is another one, and the next one --

8 Q. I get whatever counsel gives
9 me.

10 A. Okay, all right. So that's my
11 best thing, is some version of it, but I
12 don't know if it was this exact one.

13 Q. And the document you have been
14 talking about, Teramoto Exhibit 8, that is
15 one of these documents that has the --

16 A. It is an e-mail chain.

17 Q. -- e-mail chain with you and
18 Assistant Attorney General Gore on it,
19 correct?

20 A. Let me double-check that one.

21 Yes, sir.

22 Q. So I'm going to show you
23 Teramoto Exhibit 9, which is another one in
24 that chain and ask you the same question.

25 Have you seen that document in

1 your preparation for this deposition?

2 A. Again, I don't remember if it
3 was this exact one, like this one is the
4 same as this one here, so --

5 Q. You are pointing to 8?

6 A. Yeah. So they all start
7 with -- 8, your document 8, and your
8 document 9, both have the same, I guess,
9 last e-mail.

10 Q. The same one from Assistant
11 Attorney General Gore at the beginning,
12 right?

13 A. Yes, but then the rest of it is
14 totally different than the other one.

15 Q. My question is just, did you
16 see that document during your deposition
17 preparation?

18 A. So the answer is some version
19 of this, but these are totally different,
20 even though they have, you know, some of it
21 is exactly identical, but for these, a lot
22 of it is different.

23 Q. I will show you one more in the
24 chain, Teramoto Exhibit 11.

25 Did you see that document in

1 preparation for your deposition?

2 If you want to say the same
3 answer as for 9 --

4 A. Well, this one, they all
5 start -- actually, this one, let me see
6 this one.

7 This doesn't make sense. This
8 looks like several different e-mail chains,
9 because the document that --

10 Q. It is a three-pager, correct?

11 A. Yeah. So Exhibit Teramoto 11,
12 so the page that has Bates number 0002636,
13 and then the page number that has 0002638,
14 both have the same e-mail at the end, and
15 then the e-mail above it is the same, and
16 then the e-mail above that is the same, and
17 the one above that is the same, but then,
18 again, I don't know how you guys do this,
19 but then the rest of it is totally
20 different than on this one, so it is,
21 candidly, confusing to me.

22 Q. However confusing it may be,
23 have you seen that document or any part of
24 it during your deposition preparation?

25 A. I don't remember seeing -- I

1 remember seeing a part of it, but not in
2 its entirety, and I don't remember because
3 they are all versions of something.

4 Q. Have you seen Teramoto Exhibit
5 10 in preparation for this deposition?

6 A. I believe so, yes.

7 Q. Have you seen -- I think you
8 testified that you reviewed about ten
9 documents.

10 What other documents did you
11 review other than the ones we've just gone
12 over?

13 A. You mean other than these?

14 Q. Yeah.

15 A. I don't remember.

16 Q. Did you review Teramoto Exhibit
17 12 before today?

18 A. No. Would you like me to read
19 it?

20 Q. No. Did you review Teramoto
21 Exhibit 1 before today?

22 A. No.

23 Q. Thank you. You can put those
24 aside.

25 MR. GERSCH: All right, at this

1 time I have no further questions. Other
2 counsel will have questions.

3 We will be moving to compel
4 additional documents, and for that reason I
5 cannot say with certainty that this
6 deposition is concluded for our clients,
7 and I understand that you may not agree
8 with that.

9 All right, who is next?

10 THE WITNESS: Thank you.

11 MS. WELLS: Can you give us an
12 idea of what additional documents?

13 THE VIDEOGRAPHER: The time is
14 1:13 p.m. We are off the record.

15 (Recess taken.)

16 THE VIDEOGRAPHER: The time is
17 1:14 p.m. and we are back on the record.

18 EXAMINATION BY MS. GOMEZ:

19 Q. Good afternoon, my name is
20 Julia Gomez. I'm an attorney for the LUPE
21 plaintiffs in Maryland.

22 A. What does LUPE stand for?

23 Q. La Unión Del Pueblo. It's an
24 organization in Texas.

25 A. Okay.

1 Q. So just going back to what you
2 did to prepare for this deposition, when
3 did you first learn that your deposition
4 was going to be taken today?

5 A. I don't remember specifically.
6 My best guess, if you want me to guess, is
7 maybe a month or so ago.

8 Q. And to clarify, did you learn
9 that the deposition was scheduled for today
10 a month ago or did you first learn that
11 your deposition was going to be taken a
12 month ago?

13 A. I'm sorry, I thought the
14 question was when I -- when I heard that it
15 was going to be taken, not when it was
16 scheduled.

17 Q. Yeah, that was my question.

18 A. Oh, okay. So I'm guessing, I
19 don't remember the exact, but I'm guessing
20 about a month ago.

21 In terms of the exact
22 scheduling of it, I know we had gone back
23 and forth and I had to rearrange things to
24 be here today, because this was the day
25 that worked for you guys, when some of the

1 other days that I proposed did not.

2 Q. And when did you review the
3 documents you just went through, so
4 Exhibits 1 through 12?

5 MS. WELLS: I object to the
6 form.

7 Q. Of the exhibits you reviewed,
8 when did you review the exhibits?

9 A. Well, again, I think I
10 testified earlier, these exhibits, I don't
11 know if they are the exact ones, and some
12 of those I did not review at all. It would
13 have been yesterday.

14 Q. And was that the only time?

15 A. There might have been some
16 previous time that I had looked at stuff,
17 but most of them would have been yesterday.

18 Q. Did you tell Secretary Ross
19 that you were going to be deposed today?

20 A. Sure.

21 Q. Did you have a conversation
22 with him about it?

23 A. Well, I told him I was going to
24 be deposed.

25 Q. Did you discuss anything

1 further about it?

2 A. No.

3 Q. Did you discuss the citizenship
4 question with Secretary Ross after you
5 found out you were going to be deposed?

6 A. No.

7 Q. And when did you speak to him
8 regarding the deposition?

9 A. I mean, in terms of scheduling,
10 I don't know. I would have just said to
11 him, oh, I'm going to be deposed this date.

12 Q. And did he respond?

13 A. I don't remember. It would
14 have been "okay."

15 Q. What is your understanding of
16 plaintiffs' allegations in this case?

17 A. None.

18 Q. As you sit here today, what is
19 your understanding of the controversy that
20 exists with respect to the citizenship
21 question?

22 A. Some people think it should be
23 on there and some people don't.

24 Q. Anything beyond that?

25 A. I mean, that's the controversy.

1 Q. Do you understand any further
2 details about, for example, why some people
3 don't think the citizenship question should
4 be on the census?

5 A. I mean, the controversy, as I
6 understand it, is, you know, does the
7 question change or increase the ability to
8 have an accurate count.

9 Q. And prior to the lawsuits, had
10 you -- had anyone expressed this concern --
11 are you aware that anyone ever expressed
12 this concern regarding the count and the
13 citizenship question?

14 A. Well, I don't know when the
15 lawsuits were filed.

16 Q. Prior to March 26th when the
17 decision was made to add the citizenship
18 question, were you aware that there were
19 concerns about the count if the citizenship
20 question was added?

21 A. I can't -- I don't remember
22 anything specific.

23 Q. Other than attorneys at the
24 Department of Justice and Department of
25 Commerce, have you talked to anyone else

1 about the fact that you were being deposed
2 today?

3 A. I don't know if -- well, I
4 would have mentioned it to people for
5 scheduling purposes.

6 Q. Anyone else?

7 A. Not that I can think of. I
8 might have mentioned it to my husband.

9 Q. And what discussion did you
10 have with your husband about the
11 deposition?

12 A. I can't have my doctor's
13 appointment on Friday because I'm going to
14 have a deposition, so I have to have my
15 doctor's appointment on Thursday.

16 Q. In connection with the lawsuits
17 about the citizenship question, were you
18 directed to search for files, e-mails, or
19 references to the census or the Census
20 Bureau?

21 A. I believe there was something
22 that had been -- some sort of e-mail or
23 some communication that there was going to
24 be a search for documents, and so somebody
25 came and searched my computer for whatever

1 the document search required.

2 Q. Did you do anything to look for
3 documents?

4 A. Well, I was there, but you
5 wouldn't want me to be the one searching
6 and trying to figure out how to navigate
7 the system.

8 Q. Did you search for any
9 handwritten documents or handwritten notes?

10 A. I wouldn't have had any.

11 Q. Besides the people that came to
12 your office to do the search, did you
13 direct anyone else to conduct a search for
14 you in connection with this lawsuit?

15 A. I mean, no. I mean, there was
16 some e-mail that was sent with regard to
17 the litigation and I said somebody came and
18 searched my computer.

19 Q. Do you know if anyone searched
20 your government-issued phone?

21 A. I think so, but I don't -- I
22 don't know.

23 Q. So you've mentioned a couple of
24 times that one of the big concerns with
25 respect to the census that you're aware of

1 is the census budget, correct?

2 A. I have mentioned that one of
3 the recurring topics was the census budget.

4 Q. And did you work on anything
5 with respect to the census budget?

6 A. Did I? No.

7 Q. Are you aware of what the
8 issues were with respect to the budget?

9 A. Well, the general issue of is
10 it going to be within or over the budget,
11 and what the appropriate budget should be.

12 But in terms of the details,
13 again, I was not involved in the detailed
14 discussions, so that's the best I would
15 have.

16 Q. As far as you're aware, was
17 there a concern about hiring half a million
18 people to work on the census?

19 A. Well, there was a concern about
20 how you ramp up the employment that the
21 census will need to make sure that there's
22 enough people to conduct an appropriate
23 count.

24 Q. And was there any discussion
25 about nonresponse follow-up?

1 A. I don't remember.

2 Q. How about the hiring of
3 enumerators specifically?

4 A. I wouldn't have been a part of
5 any of those types of discussions.

6 Q. When you did become aware about
7 these discussions, who would be the people
8 that made you aware about the census
9 budget?

10 A. What do you mean, which
11 discussions?

12 Q. About the census budget.

13 A. What was your question, again?

14 Q. How did you become aware about
15 the census budget issues?

16 A. Well, I mean, that's a bit
17 generic. I mean, when I say I knew that
18 the budget was an issue, that's the issue
19 that I knew of, the budget. The inner
20 workings and the details of the budget I
21 wouldn't know.

22 Q. I understand it's a broad
23 issue, but just generally how did you
24 become aware of these issues? Did you
25 receive e-mails from certain people? Were

1 you in briefings?

2 A. I don't remember. I don't
3 remember specifically, but I just remember
4 there have been, you know, whether inside
5 or outside of meetings, discussions about
6 the census budget and getting our arms
7 around, you know, the numbers that were
8 inherited from the prior administration and
9 sort of what contracts had already been
10 agreed to that may or may not have been the
11 best contracts or contractors to be, you
12 know, involved with.

13 But I, again, was not involved
14 in the detail, so it was, you know, I
15 couldn't give you specifics.

16 Q. Are there any people that you
17 know were involved in these discussions?

18 A. Yes. So, again, the main
19 people who worked on the census in the
20 Secretary's office was, you know, Karen
21 Dunn Kelley, because when she came in, you
22 know, census fell under her group, and Earl
23 Comstock was involved.

24 Q. And as you heard concerns about
25 the census budget, were there any concerns

1 that the addition of the citizenship
2 question might make it more difficult to
3 hire enough -- let me rephrase that.

4 Were there any concerns that
5 adding a citizenship question would require
6 that the Census Bureau hire more people?

7 A. No, I have never heard that.

8 Q. If Secretary Ross were to be
9 deposed in this case and he asked you for
10 help with prepping him, what would you do
11 to assist him in prepping?

12 A. I wouldn't. That's for the
13 lawyers.

14 Q. What if he asked you about the
15 call you had with Mr. John Gore in the
16 summer of 2017?

17 MS. WELLS: I object to the
18 form.

19 A. I would tell him the same thing
20 that I've told your colleagues, I don't
21 remember talking to John Gore.

22 Q. You wouldn't offer to search
23 through your e-mail to see if you can write
24 down sort of a timeline of how you were
25 involved?

1 A. No.

2 Q. When did you first become aware
3 that Secretary Ross was considering adding
4 a citizenship question to the 2020 census?

5 MS. WELLS: I object to form.

6 A. I think I testified I don't
7 remember.

8 Q. Did you know before March 26th,
9 2018?

10 A. That what?

11 Q. That Secretary Ross was
12 considering adding a citizenship question
13 to the 2020 census.

14 MS. WELLS: I object to form.

15 A. I mean, there had been -- there
16 had been obviously some communication, but,
17 you know, the date March 26th doesn't ring
18 anything special to me prior to these memos
19 being shown to me.

20 Q. Either before or after March
21 26th, did you ever consult with the
22 Department of Justice regarding the census
23 generally?

24 A. Not that I remember.

25 Q. How about with John Gore

1 specifically, either before or after March
2 26th, do you recall ever communicating,
3 e-mailing with him, regarding any subject,
4 not just the census?

5 A. Again, there have been, you
6 know, I think it is, frankly, one e-mail,
7 it is one chain, where we've discussed
8 that.

9 Do you want me to discuss it
10 again? Because I can pull it out.

11 Q. No, I don't.

12 A. But I don't remember ever
13 speaking to John Gore. I never met John
14 Gore. John Gore could be in this room and
15 I don't know what he looks like.

16 Q. Are you aware that Secretary
17 Ross testified on March 22nd before the
18 House Ways and Means Committee?

19 A. No.

20 Q. Earlier you mentioned that you,
21 and correct me if I'm wrong, that you have
22 met President Trump before during a
23 transition meeting; is that correct?

24 A. No, that's totally incorrect.
25 That's not right at all. So I never met

1 the President in a transition meeting. I
2 met the President in a meeting.

3 I think your colleague asked if
4 I participated in the meeting, and I think
5 what I told him is that I was sitting in
6 the room, but I did not have a speaking
7 role, so I don't know if you lawyers
8 consider that participating or not.

9 Q. You did mention a transition
10 meeting that you participated in after
11 Secretary Ross' hearing. Do you recall
12 when that meeting occurred?

13 A. Yes, I think what I testified
14 is that I participated in a transition
15 meeting immediately after his confirmation
16 hearing.

17 Q. Do you know when his
18 confirmation hearing was?

19 A. No.

20 Q. Were you already employed with
21 the Department of Justice when that meeting
22 occurred?

23 MS. WELLS: I object to the
24 form.

25 A. I never worked for the

1 Department of Justice.

2 Q. I'm sorry, Department of
3 Commerce, were you already employed with
4 the Department of Commerce when this
5 meeting occurred?

6 A. Which meeting are you talking
7 about?

8 Q. The transition meeting that
9 occurred immediately after Secretary Ross'
10 confirmation hearing.

11 A. No, the Secretary wasn't even
12 the Secretary then.

13 Q. What was your --

14 A. He had his hearing, but he was
15 not confirmed, so there was no Secretary --
16 there was no 39th Secretary of Commerce.

17 Q. So you mentioned that you
18 participated in this transition meeting.
19 Why?

20 A. Well, participated is --

21 Q. Attended.

22 A. Attended. So after the
23 Secretary had his hearing, the transition
24 team, which I don't know, you know,
25 everybody who was involved in it, had set

1 up a meeting for him to discuss what they
2 viewed as a route for his best
3 transitioning into Commerce as the incoming
4 Secretary.

5 Q. And why were you invited to
6 this meeting?

7 A. Well, I don't know if I was
8 invited, but I showed up with him.

9 Q. Why did you show up with him?

10 A. Because I was with him in D.C.

11 Q. Were you his assistant at that
12 time?

13 A. What do you mean, assistant?

14 Q. Were you working for him either
15 as an advisor or --

16 A. I was there for his hearing.

17 Q. And why did you attend his
18 hearing?

19 A. Why not? It is fascinating.

20 Q. So you are saying you attended
21 his hearing because you thought it was
22 fascinating?

23 A. I thought it would be
24 interesting.

25 Q. Did Secretary Ross ask you to

1 attend the transition meeting?

2 A. No.

3 Q. You just showed up?

4 A. I was with him -- I was with
5 him at his hearing, and then after his
6 hearing he went to have a meeting with the
7 transition team, and I just went with him.

8 Q. Who was at the transition
9 meeting?

10 A. I won't remember everybody.
11 There was Marc Neumann, there was Lilly
12 Gaynor, Earl Comstock, I believe Eric
13 Branstad was there.

14 Let me see. There were other
15 people there, but I don't know -- I didn't
16 know who they were. And you should be
17 reminded this is well over a year and a
18 half ago.

19 Q. Did you discuss the census at
20 that meeting?

21 A. I don't believe so.

22 Q. Do you remember what topics you
23 discussed?

24 A. No.

25 Q. Did you discuss reapportionment

1 during that meeting?

2 A. No. I don't think I have ever
3 been in a discussion about reapportionment.

4 Q. Immigration enforcement?

5 A. No.

6 Q. How about not counting
7 non-citizens?

8 A. No. Again, this was a
9 transition meeting about him and coming in
10 on his, you know, initial days. None of
11 that I remember being discussed.

12 Q. Have you spoken with Stephen
13 Bannon before?

14 A. I believe I testified that I
15 have.

16 Q. How many times?

17 A. I'm guessing, maybe three,
18 tops.

19 Q. When?

20 A. I mean, I don't know. I mean,
21 I'm sure at some point I saw him in the
22 White House and I said hello. I don't know
23 if he said hi back to me, so I don't know
24 if that is actually a conversation or not.

25 And then he rode on the same

1 plane back from Saudi Arabia as we did, but
2 I didn't really talk to him because you
3 can't hear anybody on those planes.

4 Q. You said it was three, tops.
5 Do you remember the third time?

6 A. No. I mean, I'm guessing.

7 Q. So have you ever had a
8 substantive conversation with him about
9 anything?

10 A. No. I don't think he knows who
11 I am or what my name is.

12 Q. Does Secretary Ross speak to
13 Stephen Bannon, maybe not anymore, but in
14 2017?

15 MS. WELLS: I object to the
16 form.

17 A. I don't know.

18 Q. Are you aware that they ever
19 spoke?

20 A. I'm sure there were
21 pleasantries. If there was more discussion
22 beyond that, I don't know.

23 Q. Is there anyone at the
24 Department of Commerce that you are aware
25 that has had conversations with Stephen

1 Bannon?

2 A. I have no way -- I have no way
3 of knowing.

4 Q. So you mentioned that you are
5 at the White House sometimes almost every
6 day?

7 A. Sometimes. I mean, and
8 sometimes there is weeks that I'm not
9 there.

10 Q. When you go to the White House,
11 do you go there -- what is it that you go
12 to do?

13 A. Well, there will be trade
14 meetings that I go there for. There will
15 be meetings on Ivanka's Workforce Council.
16 There will be meetings in the situation
17 room on various topics. I will go there
18 and have lunch.

19 Q. Have you ever had any meeting
20 at the White House regarding the census
21 generally?

22 A. No.

23 Q. How often does Secretary Ross
24 go to the White House?

25 A. All the time.

1 Q. Are you aware of him having
2 meetings there regarding the census?

3 A. No.

4 Q. Not --

5 A. Not to my knowledge.

6 Q. What topics are you aware that
7 he discusses when he goes to the White
8 House?

9 A. Well, you mean topics or
10 meetings?

11 Q. Well, what is discussed during
12 these meetings as far as you're aware?

13 A. I'm not always there, so I
14 don't know.

15 Q. When you are there.

16 A. He will go there for trade
17 meetings, and I'm a part of some of those.
18 I have never heard census mentioned once in
19 a single trade meeting the entire time I've
20 been there.

21 And he will go for other
22 meetings that I'm not a part of. So I
23 don't know what's discussed at the meetings
24 that I'm not a part of.

25 Q. Do you know if he has ever had

1 discussions, during those meetings,
2 regarding immigration enforcement?

3 MS. WELLS: I object to the
4 form.

5 A. Again, you would have to ask
6 him. I can't --

7 Q. I'm asking --

8 A. I can't testify for a meeting
9 that I'm not a part of what he discussed.

10 Q. I'm asking about what you are
11 aware of. So if you are not aware, you can
12 just say I'm not aware of anything.

13 Voter fraud?

14 A. What?

15 Q. Voter fraud?

16 A. Never -- I'm not aware of any.

17 Q. An undercount that may result
18 in the census?

19 A. Just to back up, these are have
20 I ever heard these topics at a meeting with
21 the Secretary in the White House?

22 Q. Are you aware of the Secretary
23 having these conversations with anyone at
24 the White House?

25 A. Okay, no.

1 Q. Congressional apportionment?

2 A. No.

3 Q. Redistricting?

4 A. No.

5 Q. Have you ever had any
6 conversations, and excuse my pronunciation,
7 with Reince Priebus?

8 A. Have I ever had a conversation
9 with him?

10 Q. Uh-huh.

11 A. He was on that plane back from
12 Saudi, but, again, nobody really spoke
13 because you couldn't hear over the engines.
14 I can't think of any. I don't think Reince
15 knows who I am.

16 Q. Are you aware of Secretary Ross
17 having conversations with Mr. Priebus?

18 A. I'm sure they have, but I have
19 no idea about what.

20 Q. Anyone at the Department of
21 Commerce, are you aware of anyone at the
22 Department of Commerce having conversations
23 with Mr. Priebus?

24 A. I mean, it's not like people
25 have conversations and then come and notify

1 me, so no.

2 Q. Have you ever had any
3 conversations with John Kelly?

4 A. Yeah. Well, yeah, some.

5 Q. Do you know, when was the last
6 time you spoke to Mr. Kelly?

7 A. The last time I spoke to
8 General Kelly, I assume is who you are
9 talking about?

10 Q. Yes.

11 A. Probably about maybe three
12 weeks ago.

13 Q. And what did you discuss?

14 A. He had called me about some
15 technical issue with water in California.

16 Q. Have you ever spoken to General
17 Kelly about the census generally?

18 A. Never.

19 Q. The citizenship question
20 specifically?

21 A. Never.

22 Q. Have you ever spoken with
23 General Kelly about immigration
24 enforcement?

25 A. No.

1 Q. Voter fraud?

2 A. Not at all.

3 Q. An undercount?

4 A. No.

5 Q. Congressional apportionment?

6 A. No.

7 Q. Redistricting?

8 A. No.

9 Q. Are you aware of General Kelly
10 having conversations with Secretary Ross?

11 A. Sure.

12 Q. Do you know if they have ever
13 spoken about the census?

14 A. No idea.

15 Q. Immigration enforcement?

16 A. No idea.

17 Q. Voter fraud?

18 A. No idea.

19 Q. An undercount?

20 A. No idea.

21 Q. Congressional apportionment?

22 A. No idea.

23 Q. Redistricting?

24 A. No idea.

25 Q. Do you know if anyone from the

1 Department of Commerce has ever had
2 conversations with General Kelly about any
3 of the topics we have just discussed?

4 A. I have no idea.

5 Q. Have you ever spoken to Kris
6 Kobach, besides last summer?

7 A. Well, I don't even remember
8 speaking to him, so other than that e-mail.

9 Q. Do you know if Secretary Ross
10 has communicated with him before?

11 A. I have no idea.

12 Q. What about anyone at the
13 Department of Commerce?

14 A. No idea.

15 Q. Are you aware that he also made
16 a request to add a citizenship question to
17 the 2020 census?

18 MS. WELLS: I object to the
19 form.

20 A. Well, I mean, I've read the
21 e-mail.

22 Q. Aside from the e-mail.

23 A. No.

24 Q. Have you ever spoken to
25 Attorney General Jeff Sessions?

1 A. I think I might have said hi to
2 him at the chief of staff meeting, but now
3 that I think about it, I was late, so I
4 don't even think I even shook his hand.

5 Q. How about Secretary Ross and
6 Attorney General Jeff Sessions, are you
7 aware of conversations between them?

8 A. I'm aware that they've had
9 conversations. I'm not aware of the
10 content of those conversations.

11 Q. Do you know if they have ever
12 spoken about the census generally?

13 A. I have no idea.

14 Q. Do you know if they have ever
15 spoken about immigration enforcement?

16 A. I have no idea.

17 Q. Voter fraud?

18 A. Zero idea.

19 Q. An undercount?

20 A. No idea.

21 Q. Congressional apportionment?

22 A. No idea.

23 Q. Redistricting?

24 A. No idea.

25 Q. So earlier you mentioned you

1 have spoken to Stephen Miller before,
2 correct?

3 A. Right.

4 Q. About how many times have you
5 spoken to him?

6 A. Maybe a handful.

7 Q. Do you remember the dates?

8 A. No idea.

9 Q. Have you ever spoken to Stephen
10 Miller about the census?

11 A. No.

12 Q. Have you ever spoken to him
13 about immigration generally?

14 A. No.

15 Q. Voter fraud?

16 A. No.

17 Q. An undercount?

18 A. No.

19 Q. Congressional apportionment?

20 A. No.

21 Q. Redistricting?

22 A. No.

23 Q. Are you aware of Secretary Ross
24 ever having conversations with Stephen
25 Miller about the census?

1 A. Not that I'm aware of.

2 Q. Anyone at the Department of
3 Commerce ever have a conversation that
4 you're aware of with Stephen Miller?

5 A. I'm not aware.

6 Q. I just need a moment to make
7 sure I don't have any more questions.

8 A. Sure, take your time.

9 MS. GOMEZ: We have no further
10 questions.

11 THE WITNESS: Thank you.

12 THE VIDEOGRAPHER: The time is
13 1:44 p.m. We are off the record.

14 (Recess taken.)

15 THE VIDEOGRAPHER: The time is
16 1:51 p.m. and we are back on the record.

17 EXAMINATION BY MR. CASE:

18 Q. Ms. Teramoto, my name is Andrew
19 Case. I'm from the law firm of Manatt,
20 Phelps & Phillips, and we represent the
21 City of San Jose and the Black Alliance For
22 Just Immigration in a case filed in the
23 Northern District of California, No.
24 18-CV-2279.

25 A. Okay. Nice to meet you, sir.

1 Q. Nice to meet you. I want to go
2 back a little bit to your time at
3 Rothschild.

4 A. Sure.

5 Q. Did you work on any significant
6 transactions during your time at
7 Rothschild?

8 MS. WELLS: I'm going to object
9 to the form.

10 A. How would you define
11 significant?

12 Q. Do you remember any
13 transactions you worked on while at
14 Rothschild?

15 MS. WELLS: I object to the
16 form again. You can answer if you can.

17 A. Well, so there's, at
18 Rothschild, there's -- when we were there,
19 there is the M&A practice and then there
20 were also the funds. I don't offhand
21 remember any sort of the M&A things that I
22 would have worked on. This is, you know,
23 20 years ago.

24 Q. When you were at W.L. Ross &
25 Company, can you describe in general what

1 your duties were and how they changed over
2 the years?

3 A. Sure. So I was, you know, when
4 I started at Rothschild, I was an
5 associate, and working on the Rothschild
6 Recovery Funds, and then as time went by I
7 sort of moved up the ladder in terms of
8 title, but I became primarily responsible
9 for certain verticals of investments for
10 the funds.

11 So I was primarily in charge of
12 our coal investments, our rail investments,
13 and our shipping investments.

14 Q. So did you make decisions about
15 which investments to make in those three
16 sectors?

17 A. Well, I was on the Investment
18 Committee for some of the funds, so I would
19 have been a part of the Investment
20 Committee decision-making process.

21 Q. Do you remember any decisions
22 that the Investment Committee made with
23 regards to investment in those sectors?

24 A. Well, the Investment Committee
25 approved various investments in those

1 different sectors.

2 Q. Sitting here today, looking
3 back, do you remember any of these
4 meetings, these committee meetings?

5 A. Investment Committee meetings?

6 Q. Yeah.

7 A. Not the specifics. I mean, I
8 remember having them, but I don't remember
9 the details of them.

10 Q. Do you remember the people that
11 were on the Investment Committee with you?

12 A. Sure. I mean, they are
13 different funds, so I wouldn't remember all
14 of the different funds, but I would know
15 who was on which specific Investment
16 Committee, and it changed, but some of
17 them.

18 Q. But you have a memory of the
19 work that you did while you were at W.L.
20 Ross & Company, which committee members you
21 worked with?

22 MR. ROSENBERG: Just for the
23 record, I think you were testifying as to
24 Rothschild, right?

25 MR. CASE: I thought we moved

1 to Ross & Company.

2 Q. Were we still on Rothschild?

3 A. Do you understand the
4 background between Rothschild --

5 Q. Yes, I believe I do. But why
6 don't you explain to me how the transition
7 happened.

8 A. So the first Rothschild
9 Recovery Fund was -- I believe it was set
10 up in 1997. So that was Rothschild
11 Recovery Fund I, and then there was a
12 Rothschild Recovery Fund II that was set up
13 a couple of years after, I don't remember
14 the exact vintage date of it, and then it
15 was April 1st, and I believe it was 2000,
16 it could have been 2001, I don't remember
17 the exact time, or the exact year, that
18 Wilbur bought out, and I don't know the
19 exact transaction, so you would have to ask
20 him exactly how it happened, but he bought
21 out most of the general partner interest
22 from the Rothschild funds and then they
23 became WLR Recovery Funds, so that then
24 evolved into the W.L. Ross portion.

25 And then in 2006, Invesco

1 purchased W.L. Ross & Co., and you would
2 have to ask Wilbur Ross exact details of
3 that, but the funds then, there were
4 different sets of funds under that
5 umbrella.

6 Q. So when you say the Rothschild
7 Recovery Funds, was the fund consistent
8 over the time period? Did you work on
9 essentially the same fund for that period
10 as it went from entity to entity?

11 A. That's not the way you look at
12 it. I mean, there is different funds that
13 have a certain life.

14 So you would have a Rothschild
15 Recovery Fund, which I think -- I think the
16 life of the funds, I believe it was seven
17 years, and then you would have the next
18 fund and then there were more funds
19 underneath that.

20 So, you know, after a certain
21 period of time, I don't remember when, but
22 the investments that were in the first fund
23 would no longer exist because we would have
24 sold out of them, so there was no fund --
25 there was no sort of Fund I anymore, so it

1 is not as if there is still a -- I don't
2 believe there is still a WLR Recovery Fund
3 I.

4 Q. When you were at W.L. Ross &
5 Company, were your main responsibilities
6 determining what these funds would invest
7 in?

8 A. Well, over what time period are
9 you talking about?

10 Q. Take me through if it changed.

11 A. Okay. Well, in the beginning,
12 I was an associate, so I sort of worked on
13 a whole bunch of different projects on the
14 M&A side, but then on the investment side I
15 would be in more of a support capacity for
16 the different, I guess different people who
17 were working on the fund.

18 And then, I don't want to say
19 as I got older, but maybe as I got more
20 experienced, I started -- I found my own
21 names and investments, and those I would
22 take and propose to the Investment
23 Committee.

24 And so for those, you know, I
25 would be the point person on, you know,

1 finding investments, depending on what type
2 of investment, you know, negotiating the
3 purchase agreement, or if we were buying it
4 out of bankruptcy, you would be negotiating
5 with a different set of creditors, debtors.
6 I mean, there is a whole bunch of different
7 ways.

8 And then, you know, as the
9 funds progressed, a lot of my time would
10 continue to be on the investment side and
11 finding the investments, but then there was
12 also quite a bit of time that would be
13 spent on the marketing side for our funds,
14 and so the marketing side would be to go
15 out and try and raise new money for the new
16 funds that were being created.

17 Q. Sitting here today, do you
18 remember investments that you identified
19 and brought to the market, to the
20 Investment Committee, without identifying
21 them, obviously, but do you remember
22 sitting here today any of the investments
23 you recommended?

24 A. Sure.

25 Q. And how many years ago was

1 this?

2 A. It depends. I mean, the main
3 one I remember is an investment that we had
4 for 13 years.

5 Q. But you identified it
6 originally?

7 A. Sure.

8 Q. When did Wilbur Ross first
9 speak to you about joining the Commerce
10 Department?

11 A. I know your colleague asked
12 this before.

13 I don't remember specifically.
14 You know, it would have been -- it would
15 have been after -- well, clearly after he
16 was nominated, but I don't remember
17 specifically when.

18 Q. If I represent to you that he
19 was nominated on Inauguration Day, which
20 was January 20th, 2017, and he was
21 confirmed on February 27th, 2017, do you
22 recall if he spoke to you before he was
23 confirmed about joining?

24 A. I thought he was confirmed on
25 the 28th.

1 Q. Then I could have gotten that
2 information wrong, I'm sorry.

3 A. Okay. And I don't know when he
4 was nominated.

5 Q. I'm fairly confident, but I got
6 the other one wrong by one day, but it was
7 on or about Inauguration Day.

8 A. Again, I don't remember the
9 specifics.

10 Q. That's fine.

11 Do you remember if he spoke to
12 you about joining Commerce before the date
13 of his confirmation?

14 A. Again, I mean, you know, we had
15 talked loosely about it, but, you know, for
16 me it was, you know, I have two small kids
17 who live in New York City, and so I just
18 remember it was a hard, you know, it was a
19 very loose discussion of, you know, would
20 you be interested, I'm paraphrasing here,
21 but it wasn't anything sort of specific,
22 because I struggled a lot, because, again,
23 I have, you know, two small kids that are
24 based in New York City.

25 Q. I think you testified this

1 morning that you joined as a senior advisor
2 first before becoming chief of staff; is
3 that correct?

4 A. Sure, yeah.

5 Q. Can you tell me about what your
6 responsibilities were when you joined just
7 as a senior advisor?

8 A. Well, remember, in the
9 beginning, and I thought it was February
10 28th, I will have to look, I should know
11 that. I'm pretty sure it was February
12 28th.

13 Q. I will take your word on that.

14 A. You know, I have never worked
15 in the government and I don't believe he
16 has ever worked in the government, so when
17 I officially started, you know, in the
18 beginning, it was, one, just trying to
19 understand how the departments are run.

20 If you have never worked --
21 have you ever worked for a government?

22 Q. I have, but I'm generally not
23 going to answer questions, but I will
24 answer that one. I have.

25 A. So I will just say to someone

1 like me, who had never worked in the
2 government, trying to explain to somebody
3 who has never worked in the government, it
4 is very hard. There is a different
5 language that you speak. Just the way that
6 things are run is very different than the
7 way that we had run things on the private
8 side.

9 So it was understanding, you
10 know, how the department works, how the
11 departments, not only the Commerce
12 Department, but how Commerce interacts with
13 Treasury and USTR and Energy and
14 Transportation, and I'm sure for every
15 administration, it is different, but for us
16 it was just trying to understand how that
17 works, interacting with the White House,
18 learning about the different bureaus, how
19 the different bureaus work, the budgeting.

20 You know, Commerce has 47,000
21 people. I don't think people realize the
22 magnitude of what Commerce has. Commerce
23 has historically, from what I have been
24 told, has been a department that when
25 administrations aren't sure where to put

1 something, they have sort of stuck it in
2 Commerce, and so that's why you have, and
3 this is what I talked a little bit about in
4 the beginning, when you look at the range
5 of the different things that are in
6 Commerce, that Commerce oversees, it's a
7 huge range.

8 So you have NOAA, which is the
9 lion's share of the Commerce Department,
10 and NOAA has to do with the fisheries, they
11 deal with the satellite launches, they deal
12 with the weather. I mean, it's huge. So
13 that's NOAA.

14 You have Patents, and that's a
15 huge thing. This year, the Patent Office
16 just signed their 10 millionth patent,
17 which was a huge thing for them. You
18 obviously have Census as well.

19 And then, don't forget, you
20 have two other things, which if anybody
21 reads the news, you will see has been very
22 active in this administration, and that is,
23 you know, ITA, which is the trade, so a lot
24 of the trade discussions and dialogues, you
25 know, that's through ITA, and then you also

1 have, you know, BIS, which does a lot of
2 the 232 tariffs on steel and aluminum.

3 So, you know, trying to get
4 your arms around just situationally what is
5 going on, that I would say in the beginning
6 was really where I tried to focus some of
7 my time, plus, you know, there was a
8 transition team, and this is all language
9 which, if you have worked in the
10 government, then you know, this was new
11 language to me, you have the transition
12 team and then you have a landing team.

13 So these are all concepts that
14 were completely foreign to me. So those
15 are the types of things in the beginning
16 that I worked on.

17 Q. You mentioned issues that are
18 in the press. Do you have a role with
19 regards to press relations at Commerce?

20 A. Did I mention issues in the
21 press?

22 Q. You said if you read the press,
23 you see. You said about trade, there were
24 trade issues in the press.

25 A. Okay.

1 Q. So I'm just asking, do you have
2 a role with how things are disseminated to
3 the press from Commerce?

4 A. Sometimes.

5 Q. Which times?

6 A. Well, when there's things
7 related to some of the trade actions, those
8 are the ones that I can think of off the
9 top of my head, some of the discussions on
10 China, you know, those are some of the ones
11 that come to top of mind.

12 Q. Do you receive briefings on
13 press coverage of the Commerce Department?

14 A. What do you mean by briefings?

15 Q. Either someone talking to you
16 or a packet of news clips, do you receive
17 information on news coverage of Commerce in
18 any way?

19 A. Sure. So in the last, let's
20 say it is probably in the last month, it
21 has been more organized, and I don't think
22 it started in the beginning, so generally
23 there was somebody in the Public Affairs
24 Group who would compile the press clippings
25 for Commerce and distribute them in the

1 morning, and then that fellow quit, and so
2 there was a time when we didn't have that,
3 and then we were able to get somebody else
4 to reinstate that practice of trying to put
5 out that -- those clippings.

6 Q. Do the clippings come with any
7 kind of summary or are they just raw
8 clippings when they came?

9 A. So usually the way that they do
10 it is somebody collects them, so how they
11 do it, I don't know, and how they pull
12 them, I'm not sure, they collect them and
13 then they usually have the title, and then
14 underneath the title it will be usually the
15 first or second paragraph of the article,
16 but for some reason on the government
17 phones, whenever I click into it, title, I
18 theoretically should be able to pull up the
19 whole article and I'm never able to do it.
20 So I don't know if it's my phone or if it
21 is something with the security system, but
22 that's generally what they have.

23 To my knowledge, nobody -- I
24 think it would be a huge task for somebody
25 to try and read all the articles and then

1 summarize the articles and then put them in
2 an e-mail with just the summary form by the
3 morning time.

4 Q. So you will have like the first
5 paragraph of the article, and you decide
6 which articles are worth reading more than
7 the first paragraph, in theory?

8 A. Generally, generally.

9 Q. Do you have a role in informing
10 anyone at Commerce to take action based
11 upon something that you've seen in the news
12 coverage?

13 A. Do I have -- I'm sorry, can you
14 ask that again?

15 Q. Would you ever say to someone
16 else in Commerce that you saw a particular
17 article and it raises an issue that that
18 person ought to address?

19 MS. WELLS: I object to the
20 form.

21 A. Do you have an example?

22 Q. No.

23 A. So you're asking if I read an
24 article and I want someone to follow up on
25 it?

1 Q. Sure.

2 A. Sure.

3 Q. And you've mentioned these
4 various bureaus. Do you have a greater
5 role in some bureaus than others?

6 A. On the PR side or in general?

7 Q. In general, going back to
8 general.

9 A. Well, I think what I've said
10 before is the areas, you know, I've focused
11 my time more on some of the trade issues
12 that Commerce has been working on.

13 Again, if you think about what
14 NOAA and Census and even Patent does,
15 Patent, it is extremely scientific and
16 technical, and I don't have the background
17 for that, so I'm less involved in those.

18 Q. When you added chief of staff
19 to your duties in I believe the summer of
20 2017, did you take on additional
21 responsibilities beyond what you had been
22 doing for the first couple of months?

23 A. Well, I mean -- well, let me
24 put it a different way.

25 I have never worked in the

1 government before, so I don't know what a
2 typical chief of staff does, but it became
3 a full-time position, and, you know, I
4 started attending the chief of staff
5 meetings that, you know, the White House
6 would have. You are included in more
7 things when you are officially the chief of
8 staff than a senior advisor. So I would
9 say that those duties did increase.

10 Q. When you were a senior advisor,
11 it was not a full-time position?

12 A. I was not.

13 Q. How much of your time did it
14 take?

15 A. I don't know. I don't know how
16 to quantify.

17 Q. Well, did you have any other
18 employment during that time?

19 A. Sure.

20 Q. And what was your other
21 employment at that time?

22 A. I worked at Invesco.

23 Q. And so approximately how much
24 of your work time was spent between
25 Commerce and Invesco during those first few

1 months?

2 A. It would depend on the week. I
3 mean, if I just guessed, maybe 60/40,
4 depending, 70/30.

5 Q. 60 and 70 with Invesco or with
6 Commerce?

7 A. It just depends. I mean, it
8 just depends. Most of it was with
9 Commerce.

10 Q. Forgive me if I'm paraphrasing
11 wrong, and correct me if I am, but I think
12 one of the things you said this morning is
13 that you were copied on a lot of e-mails in
14 order to gain situational awareness; is
15 that fair?

16 A. Something like that, just
17 aware.

18 Q. What do you mean by situational
19 awareness?

20 A. Here is something, just I'm
21 e-mailing it to the Secretary and you are
22 copied on it.

23 Q. Does it mean you are aware of
24 the people who are working on a particular
25 issue?

1 A. It depends if I read it or not.

2 Q. Are you copied on these to gain
3 awareness with the expectation that you
4 will read them?

5 A. I don't know. I mean, you
6 know, it is a very good question, because
7 sometimes people copy me on e-mails that
8 are totally irrelevant to me and have
9 nothing to do with anything that I deem of
10 utmost urgency, and sometimes they forget
11 to copy me on things that I would have
12 thought I would have been copied on.

13 So I wish I could answer that.
14 I don't know, when people copy me, what
15 makes them decide whether a particular
16 e-mail is something that I should be on or
17 not.

18 Q. Would you say that you were
19 situationally aware of who was working on
20 the decision to add a citizenship question
21 to the 2020 census?

22 MS. WELLS: I object to form.

23 A. No. I would say that I was
24 aware of who was working on census.

25 Q. Did you make any distinction

1 between working on census and working on
2 the citizenship question?

3 A. No.

4 Q. And who was working on census?

5 A. Karen Dunn Kelley and Earl
6 Comstock were the main people within the
7 immediate.

8 Now, Census has, you know,
9 Census has a huge amount of employees, and
10 I have even been told when they come in, I
11 don't sit in on these meetings, but when
12 they come in to brief the Secretary, they
13 literally have a van of people who are
14 driven to Commerce, and, you know, I don't
15 know those people.

16 Q. Have you ever met any of the
17 people at Census?

18 A. So I have met Ron and Enrique,
19 but I always get them confused. Those are
20 the two that I remember.

21 Q. Forgive me again also if I'm
22 paraphrasing, but I think this is something
23 you said this morning, that you're not
24 generally involved in census because of the
25 scientific and technical nature of census;

1 is that a fair summary of your testimony?

2 A. Yeah. I mean, the census, I
3 mean, the analysis and the people who work
4 there, I mean, this stuff is very
5 technical, and I don't have the background
6 for that.

7 Q. Who does have the scientific
8 and technical background with regard to
9 census issues?

10 A. Well, I clearly don't.

11 Q. Do you know who does?

12 A. I think the people at Census
13 do.

14 Q. Does Earl Comstock?

15 A. I think he has a very good
16 command of a lot of the technical issues.

17 Q. Does he have a scientific
18 background?

19 A. I don't know what he studied,
20 but I think -- I mean, I think he actually
21 does.

22 Q. Does Karen Dunn Kelley have a
23 command of the scientific and technical
24 issues regarding census?

25 A. Much better than I would.

1 Q. She comes from Invesco?

2 A. Yup.

3 Q. So does she come from -- what
4 was her background at Invesco?

5 A. You would have to ask her. I
6 don't know all the groups that she managed.

7 Q. And, again, I think this
8 question was asked this morning, but I want
9 to get it sort of clear, am I correct that
10 this morning you testified that you
11 personally did not provide any information
12 to Ross to assist him in his decision as to
13 whether to add the citizenship question to
14 the 2020 census?

15 MS. WELLS: I object to form.

16 A. I think what I said is I never
17 created anything, so if there was some
18 e-mail that was forwarded that some lawyer
19 deems, but I never created anything. I
20 didn't work on census.

21 Q. But no e-mail you wrote was
22 providing him --

23 A. No, no.

24 Q. And who do you understand to
25 have been the decision-maker with regard to

1 adding a citizenship question to the 2020
2 census?

3 A. The decision-maker?

4 Q. Who was ultimately responsible
5 for the decision?

6 A. I believe it would be the
7 Secretary, but I'm not a lawyer, so if
8 there is some other --

9 Q. I'm not asking -- I'm asking
10 for your understanding --

11 A. Okay.

12 Q. -- sitting here as to what you
13 understand. I obviously know you're not a
14 lawyer, and I'm not asking you a legal
15 question. If I am, she is free to stop me.

16 Who is John Thompson?

17 A. He used to work at Census. I
18 don't -- I don't know what his title was,
19 but I know he is no longer there.

20 Q. Did you ever meet John
21 Thompson?

22 A. I may have, but I don't
23 remember.

24 Q. I'm going to show you what is
25 being marked as Exhibit 13.

1 (Teramoto Exhibit 13 marked for
2 identification.)

3 Q. This is Bates number 3694.
4 This is an April 20th, 2017 e-mail. It is
5 quite short.

6 A. Okay. So this is basically a
7 year and a half ago?

8 Q. Yeah.

9 A. Would you like me to read it,
10 sir?

11 Q. I have a question about the
12 subject line first, and I will ask it, and
13 then you can talk about the subject line
14 and then talk about the thing.

15 A. Okay.

16 Q. This appears to me to be from
17 Brooke Alexander, trying to send an e-mail
18 from Secretary Ross' e-mail and doing it
19 herself; is that what you understand from
20 that subject line?

21 A. Let me read it, sir.

22 (Witness perusing document.)

23 A. Okay.

24 Q. Can Brooke Alexander send
25 e-mails from the Secretary's e-mail

1 ordinarily?

2 A. Well, Brooke Alexander is no
3 longer there.

4 Q. Could she when she was?

5 A. Well, it says right here she
6 couldn't, so I don't know.

7 Q. Are you aware of anyone having
8 the ability to send e-mails from the
9 Secretary's e-mail account?

10 A. The best person to ask is our
11 IT person. I suppose somebody could send
12 an e-mail from his phone.

13 Q. Simply by holding his phone and
14 logging in as him?

15 A. Yeah. I mean, you could send
16 an e-mail from his phone.

17 Q. Is it your understanding that
18 people ever did send e-mails under the
19 Secretary's e-mail account?

20 A. I don't know. I mean, I would
21 be -- I would be surprised if somebody
22 would send something from his e-mail
23 account.

24 Q. And remind us of Brooke
25 Alexander's title at this point, as best

1 you recall, or her position in general.

2 A. I mean, in the private world, I
3 would say she was a secretary. In the
4 government world, I don't even actually
5 know. They call them -- they are not --
6 it's not an executive assistant, but it is
7 not an assistant. So I don't know what her
8 title was.

9 Q. And on the body of the e-mail,
10 this says "we," underlined, "must get our
11 issue resolved before this."

12 What is "our issue"?

13 A. I have no idea.

14 Q. You understood Earl Comstock to
15 work on the potential addition of a
16 citizenship question to the 2020 census?

17 MS. WELLS: I object to form.

18 A. I would say Earl worked on
19 census.

20 Q. What other issues did Earl work
21 on on census besides the addition of a
22 citizenship question?

23 MS. WELLS: I object to form.

24 A. Again, like I said, Earl and
25 Karen have worked on the census. All the

1 issues within Census, how they divvied them
2 up or worked together, I don't know.

3 Q. And are you familiar with the
4 National Advisory Committee on Racial,
5 Ethnic and Other Populations?

6 A. Never heard of it.

7 Q. And did the Secretary meet with
8 the census director after this e-mail was
9 sent?

10 MS. WELLS: I object to form.

11 A. I have no idea.

12 Q. Would you have facilitated a
13 meeting between the Secretary and the
14 census director had he wanted one?

15 A. I mean, this is all
16 hypothetical, but sure.

17 Q. Who would be the proper person
18 to set up a meeting between the Secretary
19 and the census director?

20 A. I mean, if somebody came to me,
21 I would set it up. If they went to Earl,
22 he would set it up. If they went to the
23 scheduling team, who I don't remember who
24 the scheduling team was at that date, they
25 might have tried to set it up. If they

1 went to Brooke directly, she might have set
2 it up.

3 Q. But you don't recall setting up
4 a meeting between --

5 A. No, no.

6 Q. Do you know who the census
7 director was at this point?

8 A. No.

9 (Teramoto Exhibit 14 marked for
10 identification.)

11 Q. I'm going to show you a very
12 easy-to-read document marked No. 14.

13 A. Would you like me to read this,
14 sir?

15 Q. I would like you first to go to
16 the second page, the April 27th e-mail from
17 Beth Grossman, and identify any of the
18 people whose names you recognize in the to
19 and CC line, recognizing you're not one of
20 them.

21 A. Okay.

22 Q. And starting with Beth Grossman
23 herself.

24 A. So Beth Grossman, I have no
25 idea who she is. Earl Comstock, I know who

1 he is.

2 Q. We can skip Earl.

3 A. David Langdon, I'm not sure who
4 that is. Michelle McClelland works in the
5 General Counsel's Office. Colin Holmes, I
6 have no idea who that is.

7 Jim Schufreider, how do you
8 pronounce that name?

9 Q. Your guess is as good as mine.

10 A. I don't know who he is.

11 Brian Lenihan works on Select
12 USA. Beth VanHanswyk, I have no idea who
13 she is.

14 Q. Okay.

15 A. Would you like me to read the
16 e-mail, sir?

17 Q. Sure. Read the e-mail from the
18 bottom, and then what we are going to talk
19 about, Earl's e-mail, but familiarize
20 yourself with the one below first.

21 A. Okay.

22 (Witness perusing document.)

23 A. Okay, I read the first one,
24 sir. I didn't read the second one.

25 Q. That's fine.

1 Just to confirm the first one,
2 is it fair to say this is a submission of
3 draft testimony of John Thompson from
4 Census to Commerce for review?

5 A. I don't know who Beth is, so I
6 don't know if she is with Census or not.

7 Q. Okay. Is it fair to say this
8 is a draft of testimony of John Thompson
9 being submitted to Commerce for review?

10 A. Yes.

11 Q. Now let's look at the e-mail
12 three days later from Comstock to the
13 Secretary, copying you and Mr. Branstad.

14 (Witness perusing document.)

15 A. Okay.

16 Q. Is it standard practice for
17 Commerce to review and approve
18 Congressional statements by chiefs of the
19 bureaus?

20 A. Yes.

21 Q. And do you do that review?

22 A. No.

23 Q. Who does that review?

24 A. Normally Earl reviews it. I
25 can't imagine general counsel not. The

1 lawyers, they like to review everything.
2 And then I believe that also the Leg
3 Affairs Office reviews those types of
4 things as well.

5 Q. And what is the purpose of that
6 review?

7 A. To, I mean, my understanding is
8 to have -- one is to be aware of what the
9 bureau chiefs, or whomever is testifying,
10 what they are testifying, and, two, to make
11 sure that it is consistent with the
12 Secretary's views.

13 Q. And these are revisions to
14 public statements; is that correct?

15 A. Revisions?

16 Q. Or additions or changes or
17 review, this is a review of a public
18 statement.

19 MS. WELLS: I object to the
20 form.

21 Q. A Congressional testimony.

22 A. So this would be I believe a
23 review of something that eventually would
24 be public.

25 Q. And is the advice given on

1 revisions of such a statement typically
2 designed to help the Secretary arrive in a
3 decision on a policy question?

4 MS. WELLS: I object to the
5 form.

6 A. Can you ask that again?

7 Q. Sure. Let's strike it and make
8 it more specific.

9 Do you believe that Earl
10 Comstock here is providing Ross with
11 information that Ross will use in his
12 decision to decide whether to add a
13 citizenship question to the 2020 census?

14 MS. WELLS: I object to the
15 form. It also calls for a legal
16 conclusion.

17 A. I mean, I have no idea. I can
18 only tell you what -- I can read the same
19 thing that you read.

20 I obviously didn't write the
21 e-mail, but Earl Comstock sent to the
22 Secretary, you know, "Mr. Secretary, I
23 apologize for the rush. This testimony
24 wasn't provided until Friday midday.
25 Attached is the proposed testimony for John

1 Thompson, the director of the Census
2 Bureau, to give the House Appropriations
3 Subcommittee this Wednesday. I have
4 reviewed the testimony, and there are a
5 couple of points that I wanted to bring to
6 your attention and be sure you approved
7 of."

8 So, I mean, I'm not a
9 dictionary, but when I read these words, he
10 is basically bringing attention of certain
11 things that are in this testimony that he
12 thinks that the Secretary should be aware
13 of.

14 Q. When you said that Comstock
15 would do these reviews, were you referring
16 specifically to the Census Bureau, or does
17 he do that review for chiefs of any bureau?

18 A. I don't know about any, but I
19 know he generally likes to review them
20 himself.

21 Q. And just to refer, again, who
22 is Eric Branstad?

23 A. So Eric Branstad, and this is
24 when I testified earlier, I don't remember
25 if he was -- his title was either White

1 House liaison or senior White House
2 advisor, but he was a Commerce employee who
3 was supposed to be interacting with the
4 White House more than some of the others.

5 (Teramoto Exhibit 15 marked for
6 identification.)

7 Q. This is Exhibit 15. This does
8 not have a Bates number.

9 A. Would you like me to read it?

10 Q. I will show you which part of
11 it I would like you to read, and I'm going
12 to tell you that I got this from the
13 internet while searching for the public
14 testimony delivered on May 3rd, so I
15 believe this is the public testimony as at
16 least submitted. It is not a recording,
17 obviously, of it.

18 A. And this was pulled from the
19 Commerce website or something else?

20 Q. Or the Census website, I can't
21 recall at this moment, or the Congress --

22 A. But it wasn't just posted --

23 Q. No, this is an official -- this
24 is a document from some government website.
25 I don't know if it was from the committee

1 or from the Census.

2 A. So we will assume it is not
3 doctored.

4 Q. Yes. But I don't think we can
5 assume that it is the exact words spoken,
6 because people, even when they have written
7 testimony, sometimes change things on the
8 fly.

9 I would like you to look at,
10 they are not numbered, but if we go nine,
11 2020 Status Update.

12 A. Okay.

13 Q. Can you read just that
14 paragraph, please.

15 A. Just, sir, just so you know, I
16 generally don't like to -- I'm happy to
17 answer any questions, but I always
18 generally prefer to read the whole thing,
19 because it is hard if you just ask me to
20 read one paragraph without having the whole
21 context.

22 Q. I understand that, and if I ask
23 you a question that you don't feel you can
24 answer after reading this paragraph, can
25 you let me know?

1 A. Sure.

2 Q. Okay.

3 (Witness perusing document.)

4 Q. Actually, yeah, in the second
5 paragraph, just down to "local update."
6 You don't need to read anything from there.

7 A. So you do or do not want me to
8 read that paragraph?

9 Q. The second paragraph, the
10 paragraph that you are on now, you can
11 read, and I would like you to stop at
12 "local update."

13 A. Okay.

14 (Witness perusing document.)

15 A. Okay. So I just read --

16 Q. The topics in question --

17 A. -- the two paragraphs out of
18 your ten pages.

19 Q. That's correct.

20 Were you present for any
21 conversations regarding a March 2017
22 deadline for submitting topics to the
23 census?

24 A. Not that I remember.

25 Q. Were you present for any

1 conversations regarding a March 2018
2 deadline for submitting questions on the
3 census to Congress?

4 A. Not that I remember.

5 Q. Did Earl Comstock, to your
6 knowledge, discuss with John Thompson the
7 deadline for submitting topics to Congress
8 on the census?

9 A. I have no idea.

10 Q. Did Earl Comstock, to your
11 knowledge, discuss with John Thompson the
12 deadline for submitting questions on the
13 census to Congress?

14 A. I have no idea.

15 Q. Who would know?

16 A. Earl Comstock.

17 Q. And did Secretary Ross have any
18 conversations with John Thompson regarding
19 the March 2017 deadline for submitting
20 census topics to Congress?

21 A. I have no idea.

22 Q. Who would know?

23 A. Wilbur Ross.

24 Q. Did Secretary Ross have any
25 discussions with John Thompson about the

1 2018 deadline for submitting questions to
2 Congress for the 2020 census?

3 A. I have no idea.

4 Q. And who would know?

5 A. Wilbur Ross.

6 Q. And I want you to look at what
7 I believe was marked as Exhibit 2 today,
8 which is document number 3699. Is it not?
9 Is it Exhibit 3? It is the May 2nd e-mail.

10 A. Mine are all messed up.

11 Q. It is Exhibit 2. I have
12 another copy of it if you want to look at
13 it. It is not stamped.

14 A. I have it. I will find it.

15 Q. It is this one, if you want to
16 go visually. I think that's it, the next
17 one there.

18 A. Okay.

19 Q. Great.

20 Looking at the May 2nd e-mail
21 from Ross to Comstock, copying Ellen
22 Herbst, I understand you're not on that
23 original e-mail, the sentence "Worst of
24 all, they emphasize that they have settled
25 with Congress on the questions to be

1 asked."

2 Do you know who Secretary Ross
3 means when he says "they"?

4 A. I have no idea.

5 Q. And who would know?

6 A. Wilbur Ross.

7 Q. And in the e-mail that you
8 write above, in this e-mail, are you
9 providing any information to Wilbur Ross to
10 assist him in arriving at his decision to
11 add the citizenship question to the 2020
12 census looking at just what you wrote?

13 MS. WELLS: I object to the
14 form.

15 A. What I wrote is "I continue to
16 talk frequently with Marc Neumann and we
17 often have dinner together. He will not
18 leave les, but is in love with the census
19 and talks about it nonstop. Do you want me
20 to set up another meeting? Let me know if
21 you want to have a drink or get together
22 with him over the weekend. Wendy."

23 I don't see anything in there
24 about the citizenship question.

25 Q. In fact, you have testified

1 that on no occasion did you provide Ross
2 information that you drafted that was
3 helping him with his decision?

4 A. I think I testified that I
5 never created any documents related to
6 that.

7 Q. Just for reference, what is
8 "les" there, is that a person, is that a
9 company?

10 A. Les is a person.

11 Q. Who is it?

12 A. It is who Marc Neumann works
13 for.

14 Q. And just for the record, who is
15 that?

16 A. I don't know the guy's last
17 name.

18 (Teramoto Exhibit 16 marked for
19 identification.)

20 Q. I'm showing you a document
21 marked as Teramoto Exhibit 16, No. 2167.
22 It is an e-mail from you to James Rockas
23 and Earl Comstock.

24 To the extent you can review
25 it, I would like you to review it.

1 A. Sure.

2 (Witness perusing document.)

3 A. Okay.

4 Q. Who is James Rockas?

5 A. James Rockas is a Commerce
6 employee who works in the Public Affairs
7 Department.

8 Q. And who is he referring to when
9 he says Gillian?

10 A. I think it is a reporter.

11 Q. Do you know who?

12 A. I'm not 100 percent sure.

13 Q. Are you familiar with a
14 reporter named Gillian Tett of the
15 Financial Times?

16 A. I have heard of Gillian Tett.

17 Q. Have you read any coverage of
18 Gillian Tett on Commerce Department news?

19 A. Have I? Not really.

20 Q. What do you see as going on in
21 this e-mail?

22 A. Well, there is an e-mail from
23 James, I believe, to the Secretary. I
24 don't know who else was on it.

25 Q. Why not?

1 A. Because of however these
2 e-mails are produced.

3 Q. This e-mail doesn't show who
4 James Rockas' e-mail is sent to; is that
5 correct?

6 A. Mine doesn't. Does yours?

7 Q. No.

8 Does this e-mail show if anyone
9 was copied on this e-mail that James Rockas
10 sent beginning "Mr. Secretary"?

11 A. This has been my continuing
12 complaint. No.

13 Q. If this document had been
14 produced in a native format where it showed
15 exactly who it was sent to and copied to,
16 would it be easier for you to answer
17 questions about it?

18 MS. WELLS: I object to the
19 form.

20 A. Well, when you ask me if it was
21 sent to me or how, if I was on it, if it
22 had that listed on there, it would be
23 easier for me to answer.

24 Q. And has this been an issue with
25 any other documents today?

1 A. Sure.

2 Q. Have you seen documents today
3 that you were unable to determine whether
4 they were sent to you or not?

5 A. Well, look, I don't know if
6 this is the -- I don't know how these
7 things are produced.

8 Q. I understand that. I'm asking,
9 looking at the documents you've looked at
10 today, have you had a difficult time
11 understanding which e-mails were sent to
12 which people?

13 MS. WELLS: I object to the
14 form.

15 A. Again, we are looking at the
16 same e-mail, so I can't tell who he sent --
17 who James sent it to.

18 Q. Okay. So that's a yes, you
19 can't tell who he sent it to by looking at
20 this in this form?

21 A. Correct, for this one, I cannot
22 tell who he sent it to.

23 Q. Can you tell who you sent your
24 response to?

25 A. Sure.

1 Q. Who did you send it to?

2 A. I sent it to James Rockas and I
3 CC'd Earl Comstock.

4 Q. And who is Karen in the first
5 line, is that Karen Dunn Kelley?

6 A. Yes.

7 Q. What are you asking Mr. Rockas?

8 A. Well, I don't -- I don't
9 remember. If I read the e-mail, it says
10 "Does Karen know about this." So one could
11 infer from my e-mail that I was asking
12 James if Karen knew about this.

13 Q. And you follow up with "She
14 just had a discussion with him about
15 media."

16 Who do you believe you are
17 referring to when you say "him"?

18 A. I can't be 100 percent sure.

19 Q. You can't be 100 percent sure
20 who "him" is? Can you make an educated
21 deduction based on the context of the
22 e-mail who "him" might be?

23 A. I would say it is either Earl
24 or the Secretary.

25 Q. And you've got six or seven

1 exclamation points after "does Karen know
2 about this"?

3 A. Sure.

4 Q. How often do you use
5 exclamation points in e-mail?

6 A. All the time.

7 Q. Does this show that this is a
8 particularly important communication?

9 A. Or I was just being dramatic.

10 Q. And in your e-mail to
11 Mr. Rockas, are you providing information
12 for the Secretary to make a decision on the
13 citizenship question?

14 A. In my e-mail to James?

15 Q. Yeah.

16 A. "Does Karen know about
17 this!!!!!! She just had discussion with
18 him."

19 I don't see anything on this
20 about citizenship.

21 (Teramoto Exhibit 17 marked for
22 identification.)

23 Q. Let's mark this next one. This
24 is going to be Teramoto Exhibit 17.

25 What does this look like?

1 A. It looks like an e-mail chain.

2 Q. Okay. From whom to whom?

3 A. It looks like from James to
4 people. I don't know who James sent it to.

5 And then I'm on it, from myself
6 to James, Karen Dunn Kelley, Mike Walsh and
7 Earl Comstock, and then there is an e-mail
8 back from James to me.

9 Q. And you're asking if he sent
10 these quotes before. "Did you already send
11 this to a reporter?"

12 A. I said to him, "Did you already
13 send this to reporter?"

14 Q. Do you typically approve
15 communications from the Public Information
16 Office to reporters?

17 A. Well, "approve" is a different
18 word. I, on occasion, may have comments.

19 Q. Do you typically review draft
20 statements to reporters from the Public
21 Information Office?

22 A. It depends. I haven't reviewed
23 this.

24 Q. We will in just a second. I
25 want to ask you questions about process, if

1 you don't mind.

2 A. Sure.

3 Q. Is it typical for the Public
4 Information Office to send you drafts of
5 what they are planning to send to
6 reporters?

7 A. They will generally copy me on
8 it, depending on what it is, not always,
9 and they will send it to a group for
10 comment.

11 Q. And does it matter whether the
12 issue is more or less important as to
13 whether you will be copied before or after
14 it is sent to the reporter?

15 MS. WELLS: I object to the
16 form.

17 A. I have no idea how they decide
18 when they start to include me in these
19 things.

20 Q. And how often do you have
21 comments back to the Public Information
22 Office when you get comments from --

23 A. Rarely, because it's not my
24 expertise.

25 Q. So when you do respond to the

1 Public Information Office on a draft to a
2 reporter, it's not particularly common; is
3 that correct?

4 A. No, I didn't say that. It just
5 depends.

6 Q. What does it depend on?

7 A. It depends, A, if I read it, B,
8 where it is in the system, C, if anything
9 pops out at me.

10 Q. I guess I would like you to
11 review this, but I want you to review this
12 with the question in mind as to whether you
13 see anything in here that is relevant to
14 the decision to add a citizenship question
15 to the 2020 census.

16 So just review it with that in
17 mind and tell me if you find anything.

18 A. So you want me to read this?
19 Because I don't remember having read this
20 before.

21 Q. Okay. Then let's ask this
22 question:

23 Why would you ask him if he had
24 already sent it to the reporter without
25 reading it?

1 A. I'm wondering if he already
2 sent it without getting comments from
3 people.

4 Q. Do you believe you did read
5 this at any point?

6 A. No. I mean, I might have
7 skimmed it, but I've got to tell you, an
8 e-mail this long, I wouldn't read.

9 Q. What would you skim it for?

10 A. Anything that pops out. But I
11 don't remember reading this. If you would
12 like me to, I'm happy to read it now.

13 Q. If you are representing that
14 you didn't read it at the time, I'm --

15 A. I'm saying I don't remember
16 reading it. I don't believe I have read
17 it, but I'm happy to read it now if you
18 would like me to.

19 Q. Just for the ease of our court
20 reporter, we both have done this a little
21 bit, but let's let each other finish before
22 we start --

23 A. Oh, I'm sorry.

24 Q. I have interrupted you a few
25 times. That's all right. I just want to

1 make sure it is easy for him to transcribe
2 what we are saying.

3 Let's look at a third iteration
4 of this e-mail, actually.

5 (Teramoto Exhibit 18 marked for
6 identification.)

7 Q. This is now 18, and this is
8 document 2160. You can keep 17 in front of
9 you for just a minute.

10 I want you to look at the
11 e-mail that's from you on document 18 and
12 see if you believe that that is the same
13 e-mail that is on document 17 with the
14 subject line "Re: Updated with his further
15 edits below."

16 A. I believe it is.

17 Q. Is it the same date?

18 A. Yes. So it is my name. It was
19 sent Friday, March 16th, both of them were,
20 2018, at 9:20 in the morning, to James, the
21 names appear to match.

22 Q. And the time matches?

23 A. Yes, sir.

24 Q. The time matches?

25 A. Yes, sir. It says Friday,

1 March 16th, 2018 at 9:20 a.m.

2 Q. And the text of the e-mail
3 matches to the extent that it's not
4 redacted?

5 A. Right. So, I mean, my comment
6 was "Did you already send this to a
7 reporter?"

8 Q. Do you have any reason to
9 believe that the e-mail that's redacted is
10 any different than the one that is not
11 redacted?

12 A. I mean, I'm not an IT expert.

13 Q. But you don't see anything
14 different in the part of the e-mails you
15 can read?

16 A. Well, the part above is
17 different.

18 Q. Yes.

19 A. So, I mean, the one above is
20 from James Rockas to me and the other one
21 is not. So if it is the same e-mail chain,
22 you know, I would have to -- again, I'm
23 sure an IT expert could tell you.

24 Q. And in the top, who do you
25 believe Karen to be in that first e-mail,

1 is that Karen Dunn Kelley?

2 A. I only know one Karen, Kelley.

3 (Teramoto Exhibit 19 marked for
4 identification.)

5 Q. This is going to be 19. I'm
6 not going to ask you to read too much of
7 this. I'm going to try to identify people
8 in this chain, if that's okay.

9 A. Okay.

10 Q. So let's look on the last page,
11 in the middle, this e-mail appears to be
12 from Victor Ramos from Newsday.

13 Is that a name that you are
14 familiar with?

15 A. Not at all.

16 Q. Then I want to go back a couple
17 of pages, past the redacted area.

18 We have some people on the
19 second page, which is 2200, and that's from
20 Kevin Manning. And who is Kevin Manning?

21 A. Kevin Manning works in the
22 Public Affairs Department.

23 Q. Of Commerce or of Census?

24 A. I'm sorry, of Commerce.

25 Q. And above that is Christa

1 Jones. And who is Christa Jones?

2 A. I don't know her exact role,
3 but Christa Jones works at Census.

4 Q. Do you know what positions she
5 performs at Census, regardless of her
6 title?

7 A. I don't.

8 Q. Is she an intergovernmental
9 affairs person?

10 A. I don't know, sir.

11 Q. And then at the top, we have
12 Christa Jones to Comstock and Kelley.

13 I just want you to look through
14 and tell me if you see Wilbur Ross copied
15 on any of these e-mails.

16 (Witness perusing document.)

17 A. I did not see his name. Would
18 you like me to double-check?

19 Q. No, I didn't see it either. I
20 think single-checking, you seemed to be
21 pretty thorough in a single check.

22 What role do you play in
23 editing press releases and public
24 statements issued by the Census Bureau, if
25 any?

1 A. I haven't played really any
2 role.

3 Q. And what role do you play in
4 editing public statements made by the
5 Commerce Department, if any?

6 MS. WELLS: Objection, asked
7 and answered.

8 MR. CASE: Census Bureau first,
9 this was Commerce Department.

10 A. I think I said before, it just
11 depends.

12 Q. Have you made personal edits to
13 public statements released by the Commerce
14 Bureau?

15 A. I imagine I have definitely
16 made edits; whether they were taken or not,
17 I have no idea.

18 Q. And have you made edits or
19 comments to Census statements about the
20 potential wording of a race and ethnicity
21 question on the 2020 census?

22 A. No.

23 Q. Have you reviewed any documents
24 about the potential addition of a race and
25 ethnicity question on the 2020 census?

1 A. Not that I remember.

2 Q. About the budget for the
3 census?

4 A. I'm sorry, is this about public
5 statements?

6 Q. Have you made edits to public
7 statements about census budgeting?

8 A. No, I don't believe so.

9 Q. Have you reviewed public
10 statements about hiring enumerators for the
11 census?

12 A. I don't remember reviewing any
13 public statements regarding hiring
14 enumerators.

15 (Teramoto Exhibit 20 marked for
16 identification.)

17 Q. We are on No. 20. This is an
18 e-mail stamped 2525. It is blissfully
19 short, so I think you can review it in full
20 before I ask you questions about it.

21 Let me know when you're ready.

22 (Witness perusing document.)

23 A. Okay.

24 Q. The subject is Census, and the
25 e-mail is "Please arrange a quick update

1 for me tomorrow a.m."

2 What steps would you take to
3 arrange for a quick update for the
4 Secretary on census issues?

5 A. So, first, I don't remember
6 specifically what I did here.

7 My best guess, if that's okay
8 with you, sir --

9 Q. Sure.

10 A. -- is I would have forwarded
11 that e-mail to Karen and Earl and said
12 "here."

13 Q. Would you have contacted anyone
14 else?

15 A. Maybe I would have CC'd the
16 scheduler and his assistant just so they
17 have this situational awareness that he is
18 asking for it, but no.

19 Q. Would you contact anyone at
20 Census?

21 A. No.

22 Q. Would you contact anyone at
23 DOJ?

24 A. No.

25 Q. Would you contact anyone at the

1 White House?

2 A. No.

3 Q. And is this the sort of thing
4 that is typical of your position regarding
5 other issues, arranging for Ross to meet
6 and speak with Commerce Department --

7 A. It depends. I mean, my guess
8 is that something was on his mind on
9 census, and he thought, oh, here, Wendy, do
10 this. But he could have just as easily
11 sent that exact same e-mail to Karen or
12 Earl.

13 Q. But could he have sent this
14 e-mail to you with regard to, for example,
15 a trade issue?

16 A. Sure.

17 Q. And you would have contacted
18 the people who were working on that issue
19 to get them to brief him?

20 A. Depending on what it was, I
21 would have tried to figure out what he
22 wanted and then put the right people there.

23 Q. Are there issues where he would
24 write to you an e-mail for an update on a
25 topic and you would be the person who would

1 brief him?

2 A. Sure.

3 Q. What are the issues that that
4 would be true of?

5 A. I would say when we were
6 talking about the China discussions, he had
7 asked me for an update.

8 Q. And that's something that you
9 would work directly on, the China
10 discussions?

11 A. I would say I was more
12 knowledgeable.

13 Q. Okay. And do you recall what
14 Karen or Earl said when you reached out to
15 them, if you did?

16 A. I think the first thing I said
17 in my -- when I testified was I don't
18 remember what I did. So I don't know if I
19 actually reached out to Karen and Earl.

20 Q. Okay.

21 (Teramoto Exhibit 21 marked for
22 identification.)

23 Q. This is Exhibit 21. It is
24 Bates stamped 3597.

25 Let's identify the people on

1 it, to the extent we haven't identified
2 them before, and then we can read the
3 e-mail.

4 Starting with the sender on
5 March 20th, do you know who Michael Phelps
6 is?

7 A. Yes. He is in the Budget
8 Office.

9 Q. Of which department?

10 A. Oh, of Commerce.

11 Q. Mike Platt?

12 A. Mike Platt is the head of our
13 Leg Affairs.

14 Q. And Ross Branson?

15 A. And Ross works with Mike Platt.

16 Q. The only other name we don't
17 know is Lisa Casias.

18 A. So Lisa Casias is -- I think
19 she is the acting CFO right now.

20 Q. And the date of this e-mail is
21 March 20th, 2018?

22 A. Correct.

23 Q. And the people mentioned are
24 Bob Bonner and Mr. Serrano, and tell me if
25 you can identify them, and then we will

1 talk about the text.

2 A. I have no idea who they are.

3 Q. Are you familiar with a member
4 of Congress with the last name Serrano?

5 A. No.

6 Q. I think you might have been
7 asked before about the Secretary's
8 Congressional testimony, but do you play
9 any role in preparing the Secretary for
10 Congressional testimony?

11 A. No.

12 Q. Just looking at the link in the
13 article the person is referencing, "Trump
14 Fundraising Off Controversial Push To
15 Include Citizenship Question In Census,"
16 that is just from the website, the title of
17 the article.

18 Were you familiar with any
19 fundraising that was being conducted
20 related to the citizenship question?

21 A. Not at all.

22 Q. Did you look at the article
23 that this linked to when you got this
24 e-mail?

25 A. No.

1 Q. Do you recall this e-mail at
2 all?

3 A. No.

4 Q. Did you take any action when
5 you got this e-mail?

6 A. Not that I can remember.

7 Q. Who did prepare the Secretary
8 for his Congressional testimony?

9 A. So I guess depending on the
10 topic, but normally it is prepared by the
11 Leg Affairs Group, general counsel.

12 So that would be Mike Platt and
13 Ross, and just depending on what he is --
14 what the hearing is on sort of depends
15 which group is most involved in his
16 testimony.

17 Q. And would you be present for
18 that preparation?

19 A. No.

20 Q. Would you know it was going on?

21 A. Loosely.

22 Q. Would they be -- would they
23 provide him with written talking points in
24 advance of his preparation generally?

25 A. I believe he has written

1 testimony, and it is also cleared by the
2 White House as well.

3 Q. In addition to his written
4 testimony, does he have written responses
5 to anticipated questions and answers?

6 A. That I don't know.

7 Q. Do you see the written
8 testimony before he is prepared?

9 A. I may or may not, depending on
10 what else is going on, I may or may not
11 have time to read it.

12 Q. Do you recall how long
13 Secretary Ross prepared for his March
14 testimony?

15 A. I have no idea.

16 Q. Are you familiar with someone
17 named Sahra Park-Su, or Sahra?

18 A. Sahra.

19 Q. Sorry.

20 A. I'm familiar with who she is.

21 Q. And who is she?

22 A. Well, I mean, I can visualize
23 her, but she -- I think she was working in
24 the Policy Department.

25 Q. Do you recall what her title

1 is?

2 A. No.

3 Q. Do you recall whether anyone
4 other than yourself has the title chief of
5 staff at the Commerce Department?

6 A. I don't think she has that
7 title.

8 Q. I'm not representing that she
9 does, but I saw that reference somewhere
10 and I don't know whether it was accurate.
11 I don't know if the person representing it
12 was accurate.

13 A. No. I mean, there is -- so I'm
14 the chief of staff to the Department of
15 Commerce, but then the different bureaus
16 also have their respective chief of staffs.

17 So, for example, Patent, Andre
18 Iancu has his own chief of staff. Gil
19 Kaplan for ITA has his own chief of staff.
20 I don't know -- I don't think there is a
21 chief of staff for Census. I don't know.

22 Q. Is there like a chief of staff
23 of a division within Commerce that's not
24 part of a bureau that you know of?

25 A. Sorry?

1 Q. If it is unclear, I can try to
2 be more specific.

3 A. Okay.

4 Q. My understanding is there is a
5 number of bureaus and then there is
6 Commerce, not part of any bureau.

7 Are there divisions within
8 Commerce that's not part of any bureau?

9 A. Are there divisions in -- well,
10 I mean, we would have to pull up an org
11 chart, but in general, I will get it not
12 perfect, but there is -- so you have sort
13 of -- you have the Secretary, and then
14 there is his chief of staff, which is me,
15 and then you have the general counsel, you
16 have I think even CIO, chief investment
17 officer, you have Policy, you have Leg
18 Affairs, Public Relations.

19 Then those are separate than
20 the actual sort of departments of NOAA,
21 ITA.

22 So those groups, some of them
23 have chiefs of staff. The ones up here
24 that I just mentioned, to the best of my
25 knowledge, I don't think they have chiefs

1 of staff.

2 Q. And circling back to your
3 preparation for this deposition, how long
4 did you prepare for this deposition?

5 A. An hour and a half.

6 Q. And who was present?

7 MS. WELLS: Asked and answered.

8 A. Should I answer it?

9 Q. Go ahead.

10 A. The four right here.

11 MR. CASE: I would like to go
12 off the record. We are going to have a
13 short meeting and see what else we need to
14 do.

15 THE VIDEOGRAPHER: The time is
16 3:14 p.m. This marks the end of media unit
17 number four.

18 (Recess taken.)

19 THE VIDEOGRAPHER: The time is
20 3:23 p.m. and this begins media unit number
21 five.

22 BY MR. CASE:

23 Q. Ms. Teramoto, I just have a few
24 follow-up questions.

25 A. Okay, sure.

1 Q. You said that Congressional
2 testimony is sent to and approved by the
3 White House; is that correct?

4 A. I believe it is sent to -- I
5 believe it is sent to, I think it is OMB,
6 so I consider that part of the White House.

7 Q. Do you know who it is sent to
8 personally, individually?

9 A. No.

10 Q. You said it is reviewed by
11 Legislative Affairs. Is that Commerce
12 Legislative Affairs or some --

13 A. Yes, sir, it is Commerce
14 Legislative Affairs.

15 Q. And when you said the White
16 House, you mean Office of Management and
17 Budget?

18 A. Yes, sir, I believe.

19 Q. Are you involved in the process
20 of testimony being passed from one person
21 to another for review?

22 A. No, sir.

23 Q. Do you review Congressional
24 testimony yourself by Secretary Ross before
25 it is delivered?

1 A. No.

2 Q. I want to go back to Exhibit 17
3 just for a minute or two.

4 A. Sure.

5 Q. I just want to confirm that I
6 understand your testimony.

7 You said that you did not read
8 this when it came in or you don't remember
9 if you read it when it came in?

10 A. I don't remember, but just
11 given the length of it, I highly doubt that
12 I read this whole thing.

13 I think I said what I might
14 have done is skimmed it, and you asked me
15 what I would have skimmed it for, but, I
16 mean, I don't remember reading this in
17 detail.

18 Q. So if you didn't read it, why
19 did you ask Mr. Rockas if he had already
20 sent it to the reporter?

21 A. I think I was asking in the
22 process where he was on this.

23 Q. And why is it important whether
24 he sent it to the reporter?

25 A. Well, again, I was trying to

1 figure out whether he had already sent this
2 to the reporter or if it had been
3 circulated for review.

4 Q. And he doesn't respond I think
5 for a few hours.

6 Did you follow up with him as
7 to whether he had sent this to the reporter
8 after this that you recall?

9 A. I don't remember.

10 Q. And how often do you check with
11 the Press Office as to whether a public
12 statement has gone out or not?

13 A. I don't know how to answer
14 that, how often?

15 Q. Well, half the time, a quarter
16 of the time?

17 A. It is hard for me to sort of --
18 I don't have a good estimation of that.

19 Q. And would you consider it
20 significant to check with the reporter
21 whether or not a particular set of talking
22 points has gone out yet?

23 A. Could you ask that again?

24 Q. Is that a significant thing to
25 do, to ask the reporter whether a set of

1 talking points has gone out?

2 MS. WELLS: I object to the
3 form.

4 A. So are you asking is it
5 significant for me to ask James if it has
6 gone to the reporter?

7 Q. Yes.

8 A. Because I don't normally speak
9 to the reporters directly.

10 Q. If I gave the impression I
11 thought you were speaking to the reporter,
12 I apologize.

13 Is it significant for you to
14 check with James?

15 A. No.

16 Q. Is it regular, is it
17 commonplace for you to check with James
18 when things have gone out?

19 A. I would say it's not uncommon.

20 MR. CASE: I don't have
21 anything more today.

22 I think along with David, we
23 have some possible motions to compel and so
24 on, so we're not going to close this yet,
25 and we understand that you would disagree,

1 as we did this morning. But for today we
2 are done.

3 MS. WELLS: I just have a few
4 follow-up questions.

5 EXAMINATION BY MS. WELLS:

6 Q. Ms. Teramoto, you testified
7 earlier I believe that you met with the
8 attorneys here in the room from the
9 Department of Commerce and the Department
10 of Justice; is that right?

11 A. Yes.

12 Q. And you also testified that
13 during the course of that meeting with us,
14 you reviewed some documents?

15 A. Yes.

16 Q. Did any of the documents that
17 plaintiffs showed you here today that you
18 testified you reviewed or could have
19 reviewed yesterday refresh your
20 recollection about any of the events that
21 were reflected in the documents?

22 A. No.

23 Q. Did any of the documents that
24 we showed you during the course of our
25 meeting yesterday that plaintiffs have not

1 shown you today refresh your recollection
2 of any of the events about which you
3 testified about today?

4 A. No.

5 Q. Did we have any conversations
6 during the course of our meeting, just
7 generally, not specifics, did we have any
8 conversations during our meeting that
9 refreshed your recollection about any of
10 the topics about which you were questioned
11 today during your deposition?

12 A. No.

13 Q. And are you aware of any
14 materials that are available anywhere or in
15 any source or in any form that would help
16 to refresh your recollection?

17 A. I don't believe so, no.

18 MS. WELLS: Okay, I have
19 nothing further.

20 MR. CASE: Thank you.

21 THE VIDEOGRAPHER: We are going
22 off the record at 3:29 p.m.

23 This concludes today's
24 testimony given by Ms. Wendy Teramoto. The
25 total number of media units was five and

1 will be retained by Veritext.

2

3 [TIME NOTED: 3:29 p.m.]

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CERTIFICATION

I, TODD DeSIMONE, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose testimony as
herein set forth, was duly sworn by me; and
that the within transcript is a true record
of the testimony given by said witness.

I further certify that I am not related
to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 24th day of August, 2018.



TODD DESIMONE

* * *

1 New York Immigration Coalition v. US Dept. of Commerce
2 Wendy Teramoto

3 INSTRUCTIONS TO THE WITNESS

4 Please read your deposition over
5 carefully and make any necessary corrections.
6 You should state the reason in the
7 appropriate space on the errata sheet for any
8 corrections that are made.

9 After doing so, please sign the errata
10 sheet and date it.

11 You are signing same subject to the
12 changes you have noted on the errata sheet,
13 which will be attached to your deposition.

14 It is imperative that you return the
15 original errata sheet to the deposing
16 attorney within thirty (30) days of receipt
17 of the deposition transcript by you. If you
18 fail to do so, the deposition transcript may
19 be deemed to be accurate and may be used in
20 court.

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New York Immigration Coalition v. US Dept. of Commerce

Wendy Teramoto

E R R A T A

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2991395

1 New York Immigration Coalition v. US Dept. of Commerce

2 Wendy Teramoto

3 ACKNOWLEDGMENT OF DEPONENT

4 I, _____, do
5 hereby certify that I have read the foregoing
6 pages and that the same is a correct
7 transcription of the answers given by
8 me to the questions therein propounded,
9 except for the corrections or changes in form
10 or substance, if any, noted in the attached
11 Errata Sheet.

12
13 _____
14 DATE

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14 SIGNATURE

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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